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ABSTRACT

This document contains prepared statements and public witness testimony from the Congressional hearing on deinstitutionalization of juvenile nonoffenders. Following an opening statement by Senator Specter, subcommittee chairman, the text of proposed legislation, S.520, designed to protect dependent children and others from institutional abuse, is presented. Panel testimony by representatives of Juvenile Advocates, the Humphrey Institute of Public Affairs, Camp Fire, Inc., the Illinois Department of Children and Family Services, Birchaven Enterprises, Inc., the Western Wyoming Juvenile Justice Program, the National Council of Juvenile and Family Court Judges, and family members of juvenile offenders is presented. Topics which are covered include the effects of jailing, causes of incarceration, statistics on the incidence of illegal incarceration, varying state juvenile practices, Illinois community-based youth services, Illinois juvenile legislation, state compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act, and case studies. The appendix contains letters from the Oklahoma Commission for Human Services, a statement on secure detention of juvenile noncriminal offenders, excerpts from the compilation of JJDP data, an Office of JJDP news feature, a report to the Attorney General on improved federal efforts needed to change juvenile detention practices, a summary of participation in the JJDP Act, and a report by the federal government advisory panel on jails. (BL)

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S. Hrg. 98-507

DEINSTITUTIONALIZATION OF JUVENILE NONOFFENDERS

HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 520

A BILL TO PROMOTE THE PUBLIC WELFARE BY PROTECTING DEPENDENT CHILDREN AND OTHERS FROM INSTITUTIONAL ABUSE

JUNE 21, 1983

Serial No. J-98-48

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DEINSTITUTIONALIZATION OF JUVENILE NONOFFENDERS

TUESDAY, JUNE 21, 1983

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:35 a.m., in room 226, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Present: Senator Metzenbaum.

Staff present: Ellen F. Greenberg, professional staff member; and Mary Louise Westmoreland, counsel.

PREPARED STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen.

We will commence the hearing of the Subcommittee on Juvenile Justice on the deinstitutionalization of juvenile nonoffenders.

Today we are conducting a hearing to examine ongoing State efforts to provide for the deinstitutionalization of juvenile nonoffenders. Juvenile nonoffenders are youngsters who have engaged in behavior such as truancy, ungovernability, running away from home, which would not be considered criminal if committed by adults.

The systematic removal of juvenile nonoffenders from secure detention facilities began in earnest across the country in 1974, with the passage of the Juvenile Justice and Delinquency Prevention Act. At the time this act was passed, there were close to 200,000 nondelinquent juveniles held in secure confinement throughout the United States. Between 1975 and 1982, this number was reduced by 85 percent in participating jurisdictions. Thirty-six States, including my home State of Pennsylvania, are currently in full compliance with the deinstitutionalization mandates of the act.

Despite the remarkable success of the Juvenile Justice and Delinquency Prevention Act, there are still at least 30,000 juvenile nonoffenders held in secure detention facilities each year in the participating States alone.

I believe the time has come for Congress to act decisively to remove the last of these unfortunate children from juvenile detention facilities and adult jails.

On February 17, I introduced the Dependent Children's Protection Act (S. 520) to require all States to remove juvenile nonoffenders from secure detention, treatment and correctional facilities, and the Juvenile Incarceration Protection Act (S. 522) to require all States to remove juveniles from adult jails and lockups. The subcommittee conducted a hearing on this latter bill on February 24.

The impetus for this legislation comes from an investigation conducted last year by the subcommittee into the operation of the State-run juvenile institutions in Oklahoma, one of the five States that has elected not to participate in the Federal juvenile justice program. The onsite investigation and legislative hearings conducted by the subcommittee, with the full support of our distinguished colleagues from Oklahoma, uncovered abysmal administrative practices and widespread abuse. One of the things that shocked us the most was the realization that many of the detained children were being held for status offenses or merely because they were abandoned, neglected, or abused—both physically and sexually—by their families. However, in the year following the subcommittee investigation, the Oklahoma Department of Human Services has made significant improvements in its juvenile justice system.

When one considers that nearly twice as many juveniles are arrested for status offenses than for delinquent offenses, the need to provide less restrictive community-based alternative programs becomes obvious. In this regard, a recent study conducted by the U.S. General Accounting Office dated March 22, 1983, documented the need for concerted Federal effort to improve juvenile detention practices relating to detention criteria, monitoring, and recordkeeping systems, and availability of alternative placements.

The pain and suffering experienced by juveniles held in secure detention is poignantly conveyed in the letters of several residents of the Oak Hill Youth Center in Laurel, Md., which were reprinted in the Washington Post on June 12. The juveniles described their institutional life as "a nightmare for real * * * (and) * * * the kind of place where you have to fight for just looking at someone wrong * * *". Perhaps the best description is the following: "Survival is what it's all about."

[The text of S. 520 follows:]

II

98TH CONGRESS
1ST SESSION

S. 520

To promote the public welfare by protecting dependent children and others from institutional abuse.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, FEBRUARY 14), 1983

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To promote the public welfare by protecting dependent children and others from institutional abuse.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dependent Children's Protection Act of 1983".

SEC. 2. (a) The Congress hereby finds that—

(1) deprived, neglected, and abused juveniles and juveniles who present noncriminal behavior problems are frequently assigned to the care and custody of the States; and

(2) the placement of these juveniles in secure detention, treatment, or correctional facilities constitutes punishment because such placement—

(A) imposes unnecessary burdens on the liberty of the juveniles;

(B) unnecessarily endangers the personal safety of the juveniles;

(C) abridges the juveniles' right to care and treatment;

(D) interferes with the right to family integrity of the juveniles and further exacerbates the alienation of the juveniles from family, peers, and community;

(E) increases the probability that these juveniles will later engage in delinquent or criminal behavior; and

(F) stigmatizes the juveniles by associating them with criminal behavior.

(b) The Congress declares that the constitutional rights of juveniles guaranteed by the fourteenth amendment to the Constitution of the United States shall be enforced by prohibiting the punitive detention of juveniles who have not been adjudicated to have committed any offense that would be criminal if committed by an adult.

SEC. 3. Add to chapter 21 of title 42 the following section:

"SECTION 1. No State shall assign a juvenile nonoffender committed to its care or custody to any secure detention, treatment, or correctional facility.

"SEC. 2. For purposes of this Act—

"(a) the term 'juvenile nonoffender' means any person under age eighteen, who has not been adjudicated to have committed an offense that would be criminal if committed by an adult, unless that person is lawfully in detention pending trial of charges relating to an offense that would be criminal if committed by an adult.

"(b) the term 'secure detention, treatment, or correctional facility' means any public or private residential facility which—

"(1) includes construction fixtures designed to restrict physically the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(2) is used for placement, prior to or after adjudication and disposition of any juvenile who has been charged with delinquency, or for holding a person charged with or convicted of a criminal offense; or

"(3) is used to provide medical, educational, special educational, social, psychological, and vocational services, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public. *Provided, however*, nothing contained in this Act shall be interpreted to prohibit any State from committing any juvenile to a mental health facility in accordance with applicable law and procedures.

"(c) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 3. Any person aggrieved by a violation of this Act may bring a civil action for damages and equitable relief.".

Senator SPECTER. In order to accommodate a full hearing schedule, I would like to turn now to the first panel, Paul Mones, Esq., director of Juvenile Advocates, Morgantown, W. Va.; Mrs. Lois Flanigan, Parkersburg, W. Va.; and John, who is a resident of the Sasha Bruce House in Washington, D.C.

Mr. Mones, as I understand, you will submit your statement next week?

Mr. MONES. Yes, sir.

Senator SPECTER. When submitted it will be made a part of the record, and we will be pleased to hear your testimony at this time.

STATEMENTS OF A PANEL CONSISTING OF PAUL MONES, ESQ., DIRECTOR, JUVENILE ADVOCATES, MORGANTOWN, W. VA.; LOIS FLANIGAN, PARKERSBURG, W. VA.; AND A WITNESS IDENTIFIED AS JOHN, RESIDENT OF THE SASHA BRUCE HOUSE IN WASHINGTON, D.C.

Mr. MONES. Mr. Chairman, thank you for the opportunity you have given me to appear here today to testify on the very serious issue of incarceration of juveniles in secure facilities.

INTRODUCTION

My name is Paul Mones. I am the director of Juvenile Advocates, which is a statewide legal advocacy agency located in West Virginia. It is funded through the Juvenile Justice and Delinquency Prevention Act. We work on behalf of incarcerated children and those children who are at the predetention stage of the proceedings.

My job takes me to all secure facilities throughout the State of West Virginia, which house juveniles. Over the last 3 years, I have represented approximately 450 children. Approximately 20 percent of these children were status offenders.

EFFECT OF JAILING

I can state unequivocally that jail does two things to status children and other juveniles offenders. It hardens them, and increases the likelihood of them committing criminal offenses in the future, and it destroys them. Many of those children that survive the experience of jailing can be accurately described as the walking dead.

Senator SPECTER. To what extent are you familiar, Mr. Mones, with juveniles who are nonoffenders, being held in detention?

Mr. MONES. I am very familiar with the practice of incarcerating status children and nonoffenders. Fortunately, in West Virginia, because of the Juvenile Justice Act, the number being illegally detained has decreased significantly over the last 3 years. However, the problem persists of juveniles being incarcerated in jails, and in correctional centers. I can give you several examples.

Senator SPECTER. Well, do you have any statistics of juveniles, who have not committed any acts which would be considered criminal if committed by adults, being held in secure custody?

Mr. MONES. In West Virginia juveniles are incarcerated in county jails, city police lockups, juvenile detention centers, and juvenile correctional centers. The most accurate figures we have are for county jails, detention centers, and correctional centers. As in the rest of the United States, it is very difficult to gage the number of juveniles illegally held in police lockups, but the numbers are thought to be relatively significant. In 1977, 318 of 1,796 juveniles committed to county jails were status offenders. In 1980 the number of juveniles held in county jails decreased to approximately 600, while the number of status offenders held in these jails decreased to 100. Finally in 1982, the number of juveniles held in county jails decreased to 87, while the number of status offenders decreased to approximately 15. It should be noted that our advocacy program began in 1980.

Senator SPECTER. And do you know the reason why those juveniles are so detained?

Mr. MONES. Ignorance of the officials as well as a lack of alternatives

Senator SPECTER. No, why are they there? What has happened to them? Are they runaways?

Mr. MONES. They are runaways, and children with family and school problems. They were children who officials found easier to lock up than not to lock up. In many cases the police decided simply not to call their parents or take the child to a shelter.

Senator SPECTER. What behavioral patterns led them to be locked up?

CAUSES OF INCARCERATION

Mr. MONES. In most of the cases the children are victims of abuse and neglect. Their families either do not care for them appropriately, or there exists a lack of a well-developed social service plan for the child. Many problems have their start in school.

In one instance, in 1981, I represented a 10-year-old boy who had run away from home. He had run away from home and hid in his neighbor's basement. The court, seeking to convince him that this was the wrong behavior, placed him in the diagnostic facility at the State youth correctional center. This practice of placing status offenders in diagnostic units is commonly used as a cold shower technique to scare the child straight.

Senator SPECTER. Do the laws of West Virginia prohibit having these status children in custody?

Mr. MONES. The laws of West Virginia prohibit status offenders to be held in secure confinement in county jails. The law also prohibits holding status offenders with juvenile criminal-type offenders in secure facilities.

Senator SPECTER. Well, do you have any idea why these status children are held in confinement in violation of the law?

Mr. MONES. They are illegally held for three basic reasons: one, the official in charge believes jail will teach the child a lesson; two, the official in charge is ignorant of community alternatives or too lazy to use those alternatives; and three, there exists no adequate alternative, in the officials eyes, of housing the youth.

Senator SPECTER. Do these West Virginia laws, which prohibit this conduct, have any sanctions of the criminal statute?

Mr. MONES. There is no criminal sanctions in West Virginia against officials who illegally jail youth. The only recourse are penalties imposed by a civil action.

Senator SPECTER. What do you mean, a lawsuit?

Mr. **Mones**. Yes. A lawsuit, in Federal or State court, seeking damages from the officials

Senator **Specter**. Have there been any such lawsuits, to your knowledge?

Mr. **Mones**. In West Virginia we were successful in closing down a county jail and juvenile detention center that illegally held up to 300 juveniles a year, of which 20 to 30 percent were status offenders. No monetary relief was sought, however injunctive and declaratory relief was awarded. In addition, I presently have pending in Federal court a damage action against several county officials who illegally jailed a 12-year-old. Federal damage suits are few and far between. The reason for the paucity of suits is that there are very few legal advocates who work on behalf of incarcerated children. I would estimate that there are probably no more than 30 attorneys in the United States who work in the area of the rights of incarcerated youth.

Senator **Specter**. Are these status children who are held in confinement mixed with adult offenders?

Mr. **Mones**. Yes. The ones that are held in county jails are mixed with adult offenders. In many cases youth are placed in the drunk tank of county jails.

Senator **Specter**. You are talking about the 25 in 1983 are status children. I do not like to use the word status offenders, because it is an incorrect word. They have not done anything wrong.

Mr. **Mones**. They have not done anything wrong, right.

Senator **Specter**. So they are status children. They should not be held in confinement at all, but they are. And in the county jails they are mixed with adults?

Mr. **Mones**. Yes. In addition, with regard to juveniles who commit criminal offenses, these children are supposedly separated by sight and sound, however, I do not believe sound and sight separation exists anywhere in the country. In many instances children are held in adjacent wings to the adult section. They are held in jail cells. They are deprived of appropriate health and nutritional care. They are deprived of an adequate educational opportunity. Moreover they come into daily contact with adult inmates who, as trustees serve the children their meals and clean the common areas.

Senator **Specter**. Do you know, from your own knowledge, of other status children being held in confinement in other States?

Mr. **Mones**. Yes, there are numbers of children who are held throughout the United States, in secure facilities. It is not an isolated problem.

Senator **Specter**. What States?

Mr. **Mones**. North Carolina, South Carolina, Florida, Virginia, and Georgia. Approximately 8 months ago, one of my clients ran from West Virginia to North Carolina. She was arrested at a truckstop and placed in a county jail for 1 week. She was 13 years old and had never commited a criminal offense.

Senator **Specter**. She was a runaway?

Mr. **Mones**. Yes, a runaway. She had run away because she had been sexually abused in her home. She was taken out of her house and placed in a shelter.

Senator **Specter**. By whom?

Mr. MONES. She was sexually and physically abused by her father. She was removed from her house and placed in a temporary shelter. She ran away to North Carolina where they locked her up. This is typical of the juvenile justice system, in that it takes the people who are the victims, and it turns them into the accused.

Senator SPECTER. What specific situations have you seen where a child, a status child, who was held in custody, has suffered ill effects? Can you be specific?

Mr. MONES. I can give you an example of a nonoffender. This child could not even be classified as a status offender. This case is presently pending in court. Therefore, I can just discuss the facts of the case with you without commenting about anything else on it.

This was the case of a 12-year-old boy who was found sleeping in his father's car at approximately 1 o'clock in the morning. His father had left him sleeping in the car.

The police discovered him at about 1 o'clock in the morning. The officer called the prosecuting attorney and asked where to place this child.

Senator SPECTER. Called whom?

Mr. MONES. The prosecuting attorney in the county. The prosecutor stated that it was too late, so just put him in the county jail until the morning.

Senator SPECTER. Picked up for sleeping in his father's car?

Mr. MONES. Yes. Later on they found the father, but they proceeded to place him in the county jail. They placed him barefoot in the cell at 2 o'clock in the morning, because they did not have any county jail-issue shoes that fit him. He was locked in the cell until the next day and then he was released.

When he was released, he was placed into a foster home. While he was in the foster home, all he did was sit in the house in sort of a catatonic state. He was then removed from the foster home to a secure juvenile facility.

Senator SPECTER. Did he have a mother?

Mr. MONES. He had a mother, but his mother was not contacted. The kid was in a situation where his family-support system was not very good, but there were alternatives they could have used. Even a year after locking him in jail, he was still very nervous when he discussed the experience.

Senator SPECTER. In your professional judgment, what is the answer to this problem?

Mr. MONES. The answer to this problem is to enact legislation which will prohibit ail incarcerations of status offenders and criminal-type offenders in county jails.

Senator SPECTER. Status children?

Mr. MONES. Yes, status children.

Senator SPECTER. What do you mean, criminal-type offenders?

Mr. MONES. Criminal-type offenders are those juveniles who commit breaking and entering, or shoplifting, or even armed robbery. My work has verified that you can absolutely guarantee increasing a child's chances for further antisocial behavior if he or she is illegally placed in a county jail.

Senator SPECTER. You are talking about two things. You are talking about not confining status children.

Mr. MONES. Yes.

Senator SPECTER. And not mixing juveniles charged with crimes with adults charged with crimes?

Mr. MONES. Right. Both incarcerating status offenders in secure facilities and incarcerating adults with juveniles will guarantee the kids to become worse. If you want to create more problems, and more antisocial behavior, allow children to be incarcerated with the adults.

Senator SPECTER. Do you have any more specifics of status children who have been confined, who have had specific problems?

Mr. MONES. Yes, I have another case of a young boy who did not get along with his father. Without ever having committing an offense, he was placed in a secure facility. After his incarceration, he developed problems in the facility. He believed he should not have been locked up, and, therefore, did not get along well at the facility. He ran away from the facility and he was picked up by police officers for running away. Subsequently, he was locked up in a county jail for running away from a facility. All of his problems became expotentially compounded because he was originally placed in a facility as opposed to being given community treatment.

I have one other example which I believe Mrs. Flanigan can better explain.

[The prepared statement of Mr. Mones follows:]

PREPARED STATEMENT OF PAUL MONES

Mr. Chairmen, and members of the Subcommittee:

I would like to thank you for inviting me here today to testify on the very important issues of the incarceration of status children in secure facilities as well as incarceration of juvenile offenders in county jails.

My name is Paul Mones, and I am the Director of Juvenile Advocates, Inc., located in Morgantown, West Virginia. Juvenile Advocates has been operating since the Spring of 1980. It is a Juvenile Justice and Delinquency Prevention Act sponsored statewide advocacy program working on behalf of incarcerated children throughout the State of West Virginia. Juvenile Advocates represents children who are locked in county jails, correctional centers and pretrial detention centers. Over the last three and one-half years I have represented over 400 children. Approximately 20% of the children I have represented were status children. The remainder were children who committed crimes which would be acts if committed by adults. The majority of children in this latter category committed property offenses such as breaking and entering, shoplifting and destruction of property.

It is clear that those children who are so-called "status offenders" have not committed any offense against society. Their only "offense" is that they are emotionally disturbed, victims of child abuse and neglect or addicted to alcohol or drugs. The vast majority of these "status" children are reacting to a dysfunctional family environment or a dysfunctional school environment. Though delinquent children commit acts which would be crimes if committed by adults, the majority of delinquent children become initiated into the juvenile justice system as "status" children. In numerous instances the core problems of a delinquent child are status in nature. In essence, what the juvenile justice system does is turn these children who are victims into accused individuals. The juvenile justice system takes a child with a learning disability or a child who is physically abused in his or her home and instead of treating the child in a manner consistent with a society that is solicitous of the welfare of its children, in many cases the system further brutalizes the child by incarcerating the child.

The detrimental effect of jailing on children is well-known to this Committee. Furthermore, the effects of placing status children along with delinquent children in secure facilities is also well-known to this Committee. Suffice it to say, by placing a status child in a secure facility along with delinquent children almost certainly guarantees the status child's chances of committing future delinquent acts. Children placed in secure facilities along with delinquent children and delinquent children placed in county jails along with adult offenders survive by learning the tricks-of-the-trade and developing a tough exterior Other children survive, and survive is probably not the appropriate description, by becoming totally unconcerned about their entire existence. They in effect become the walking dead.

While the Juvenile Justice and Delinquency Prevention Act went a long way to closing many county jails and releasing numerous children from illegal detention, the problem still persists. In many states, the only reason that children have been released from secure detention is that there have been advocates, such as our agency, who have worked on their behalf.

In 1980, when Juvenile Advocates first started its operation, there were approximately 600 children jailed annually in West Virginia County Jails. Approximately 20% of this number were status offenders. In 1982, approximately 85 were illegally detained in County Jails throughout the State of West Virginia and approximately 30% of this number were status offenders. In correctional centers in 1980, there were approximately 300 juveniles of which 15% were status offenders. In 1982 the numbers in correctional facilities were approximately 120 juveniles. Of this number approximately 5% were status-type offenders.

Nationwide the number of status offenders incarcerated in county jails has decreased yet the problem still remains. The question must be asked then why are these children illegally incarcerated. The answer lies in several areas. Firstly, many children are illegally incarcerated because the officials in charge believe that secure incarceration has a cold-shower affect on a juvenile. That is, that they will be able to scare the child enough to make the child change his or her behavior. Another reason for illegal incarceration is that it is easier to incarcerate a child in a secure facility, either a status child or a deliquent child than it is to place the child in a theraputic alternative. The majority of police officers are inexperienced in handling juvenile matters. The majority of officials who run the county jails are also inexperienced in handling juvenile matters. It is also interesting to note that the fact that the National Sheriffs' Association as well as the National Association of County Officials, have both come out against the jailing of children in county jails.

I would like now to give the Committee several examples of children who I have represented who have been illegally incarcerated.

In one case I represented a ten year old boy who had been incarcerated in a diagnostic center of a correctional center for youth. This ten year old's only offense was that he did not listen to his parents. The judge in order to teach the boy a lesson, sent him to a correctional center handcuffed and leg-shackled to a seventeen year old who was convicted of robbery. When I found this young man at the correctional center he was sitting shivering in a corner of the room. The boy was practically non-verbal. Fortunately he was released several days later. In another case I represented another young man whose only offense was that he did not get along with his father. His so-called therapeutic disposition was to be sent to a secure facility. Once in the facility, the young man developed what is a very common problem. He did not follow the strict rules of the facility, and thereby was put into restrictive isolation. The boy believing that he did not do anything wrong started fighting with one of the staff members and was then placed in the county jail for assault. In this particular instance the young man started out as a status child and through a series of illegal incarcerations he ended up a criminal offender. In another instance I represented a young girl who had been placed in a foster home because her parents abused her. She ran away from the State of West Virginia to the State of North Carolina. She was picked up at a truck stop while she was in a cab of a truck. The police officer arrested the young girl and placed her in the county jail where she remained for ten days. The truck driver was not charged with any offense. It might be noted here that a significant number of status children cross state lines when they run away. A child can be protected in one state from secure incarceration as a status offender, however, the child can be incarcerated in another state which does not have such protections.

In another case I interviewed a young girl who had been sexually assaulted by her father. In response to this sexual assault she ran away from home. She was then apprehended by the police and returned to her home. Her father again sexually assaulted her, she ran away from home again. When she was apprehended again by the police she was placed in a secure facility. This is a typical example of children who are victims of abuse at home yet are turned to accused criminals when they take appropriate action in reaction to their home environment.

The final example is perhaps the most tragic one I have seen in the last three and one-half years, and perhaps one of the most tragic ones which this Committee will hear today. A young boy in Parkersburg, West Virginia was having problems with listening to his mother and going to school. The mother seeking assistance in the courts, filed an incorrigibility petition against her son. Her only desire was to get control of her son in order to place him in a therapeutic facility. The young man had never committed a criminal offense nor was he charged with a criminal offense in his entire life. The judge thought that to gain control over the young boy he would place him in a county jail. The young boy was placed in the county jail for not going to school. Along with him in the cell were adults accused of armed robbery, rape and malicious wounding. Six weeks after the boy was in the county jail cell he was murdered by an adult inmate. The adult inmate allegedly thought that this boy had informed on him to jail officials about the use of controled substances. Unfortunately the only way the judge in this case got control of this young boy was by killing him. The mother of this young boy trusted the judicial system with her son and the system killed her son.

The children of our nation are in need of national legislation to protect them from the abuses of illegal incarceration in county jails and secured detention facilities. Local officials on both the county and state level have demonstrated their inability to effectively protect the interests of the children whose protection they are charged with. At the present time hundreds of thousands of children are still illegally incarcerated in county jails and secure detention facilities.

We need legislation such as that proposed by Senator Spector which would absolutely prohibit the incarceration of status children in secure facilities as well as prohibit the detention of the deliquent offenders in county jails. In allowing the brutalization of our children in county jails and secure facilities, we are destroying our prime national resource.

Thank you very much for this opportunity to appear before this Committee today.

Senator SPECTER. Well, let us turn to Mrs. Flanigan at this time. Mrs. Flanigan, we very much appreciate your coming here. Can you tell us about your son, Jeff?

STATEMENT OF LOIS FLANIGAN

Mrs. FLANIGAN. My son was real small, very kind, generous, passive, and very energetic. He began having problems after the death of my father, who was the male figure in his life. His problems were school truancy, marihuana, and alcohol abuse.

Senator SPECTER. How old was he at that time?

Mrs. FLANIGAN. Fourteen.

Senator SPECTER. And what happened?

Mrs. FLANIGAN. We went to several counselors, I also tried to get him to go to a drug treatment program, which he would not, because he did not think he had a problem. So I went through the court system, for intervention, to get him to a treatment program in Ohio. After that I more or less lost control, because the court system took over.

He did go to the drug treatment program, on a court order, at my expense, and that was really all I wanted.

Senator SPECTER. What offenses, if any, had your son committed prior to being held in the county jail?

Mrs. FLANIGAN. None.

Senator SPECTER. What were the treatment alternatives offered to you by the probation department?

Mrs. FLANIGAN. None. The only treatment he ever received was what I paid for myself. The other alternatives that they had were group homes, or detention.

Senator SPECTER. What happened to your son while he was in jail?

Mrs. FLANIGAN. In September 1982, when school started, he began skipping school. The judge told him that if he was going to skip school he would be placed in jail, made to go to school from there. He was picked up by his probation officer and placed in jail. He was in the correctional center for approximately 5 weeks, on a school release program. He was among armed robbers, arsonists, burglars. In fact most of the people there were felons.

I was told that he would be in with misdemeanors, people who had written bad checks, had not made support payments, et cetera.

Senator **Specter**. What assurances did the judge and the probation officer give you as to Jeff's physical well being while he was in jail?

Mrs. **Flanigan**. They told me that he would be in a safe place, with misdemeanors, using it more as a scare tactic.

Senator **Specter**. Essentially your son was a truant at that time?

Mrs. **Flanigan**. I beg your pardon?

Senator **Specter**. Your son was a truant?

Mrs. **Flanigan**. Yes.

Senator **Specter**. Had he been convicted of any offenses?

Mrs. **Flanigan**. No.

Senator **Specter**. Well, what happened to him in jail, Mrs. Flanigan?

Mrs. **Flanigan**. On November 4, you mean, when he was killed?

Senator **Specter**. Yes.

Mrs. **Flanigan**. He was sitting on the floor, talking to an older man. He had been harassed by a couple of men that were in the same cellblock he was in, for about 4 or 5 days. He had been hanging around this older man, and he was sitting on the floor talking to him. A man that was in there for armed robbery, and two breaking and enterings, thought that Jeff had ratted on him, because this man was supposed to get drugs, and they were intercepted. He went up to Jeff, and was calling him a rat, and began kicking him which ultimately caused his death.

Senator **Specter**. Was that man prosecuted for murder?

Mrs. **Flanigan**. For voluntary manslaughter.

[Witness crying.]

Senator **Specter**. And your son was just there on truancy charges?

Mrs. **Flanigan**. Yes, sir.

Senator **Specter**. Were there any rehabilitative or educational services in that institution?

Mrs. **Flanigan**. No, sir.

Senator **Specter**. Did you make any effort to get him out of that institution?

Mrs. **Flanigan**. No, I did not.

Senator **Specter**. Why not?

Mrs. **Flanigan**. OK. When I went to the judge for help, he assured me all along that he was trying to help Jeff, and I guess I put all my faith in that system. He was the juvenile judge. He kept giving me assurances that he was doing what was best for Jeff. Its like you have a child that is sick, and you take him to the doctor, who prescribes a medicine you go home and you do not give it, they are not any better——

Senator **Specter**. How long was he in jail altogether, before he was kicked to death, as you described it?

Mrs. **Flanigan**. Five weeks.

Senator **Specter**. Why was he kept in jail so long, for simply truancy?

Mrs. **Flanigan**. He was put in there for school truancy, and then he was supposed to be on a school release program. After about 3 weeks he started to skip school again. He was supposed to be released the next day, after he was assaulted.

I went to the judge, with two out of State programs, one was in Connecticut, and the other in North Carolina. The North Carolina program was my recommendation on what I wanted to have done, but there was not going to be a hearing until November 5.

Senator **Specter**. Well, it certainly is a tragic situation with your son, Mrs. Flanigan. The staff has presented to me a picture of him. He looks like a fine young man, and you certainly have my sympathy.

It is an intolerable situation, obviously. Have you taken any action, following the death of your son?

Mrs. **Flanigan**. Well, Paul Mones has helped me, and Loren Young with the Juvenile Justice Committee. I am just trying to bring it out in the open. I do not want it to happen again. I do not want someone else to have to go through what my son did, or what I have gone through.

[Additional material submitted by Mrs. Flanigan:]

Ms. Lois H. Flanigan
3307 Vair Avenue
Parkersburg, W. Va. 26101
February 15, 1983

Mr. David Faber
U.S. District Attorney
PO Box 2323
Charleston, W. Va. 25322

Dear Mr. Faber:

I am making this urgent plea to you with my sincerest hope that you will cause an unbiased investigation to happen regarding the death of my son who was assaulted at the Wood County Correctional Center on November 4 and died as a result of this assault on November 6 at the St. Joseph's Hospital in Parkersburg, W. Va..

At this point, from the investigations concluded, the discrepancies are too many, cover-ups are happening in each department or agency involved. I have no confidence that justice will prevail resulting from inconsistencies reported from the Prosecuting Attorney's office, cover-up attempts of the Sheriff's Department by Chief Deputy Barrows and Sheriff Lee Bechtold.

Mr. Paul Mones, Juvenile Advocate Attorney, Morgantown, W. Va., suggested you could be effective in instituting an F.B.I. probe into the inconsistencies. You, sir, are my last hope. My son cannot be brought back, but justice can prevail which in turn can prevent recurrences of gross negligence and political cover-up.

I have enclosed my analysis of the situation surrounding the events of my son, and a few press releases combined with individual personal responses. I do not have all the press releases because I gave them to Mr. Mones along with the autopsy report but would be able to obtain them from him very quickly. I have also enclosed a letter my son had written on the day before he was assaulted. He planned on giving this letter to Judge Gustke on November 5.

I urge you to give this request your utmost consideration as the murder trial is to begin on February 22,

Please feel free to contact me anytime at work (424-5610) or home (428-4629). Your response would be most comforting.

Sincerely,

Lois Flanigan

Ms. Lois Flanigan

EVENTS

I started seeing Deborah Cowan, Family Therapist, in late April 1981 regarding problems with Jeff. Jeff had been having problems at school (such as skipping and smoking marijuana).

I had made an appointment for Jeff at St. Anthony's Hospital (Talbott Hall) for the problems he was having. This was a five week program dealing with drug and alcohol abuse. When it came time for his appointment he would not go. At this point I talked with Beth Pyles at the Prosecuting Attorney's Office and explained how I wanted to get help for him, yet he felt he did not need it. She told me that I could go through the Court System and the Judge would order treatment for him which I felt was the only alternative to get his life changed around.

8/13/81 - Court ordered Jeff to go to Talbott Hall for the adolscent, by Judge Gustke.

Approx. 9/7/81 - Jeff requested to leave Talbott Hall one week before completion of the program because he had not followed the rules of the program. The treatment program at Talbott was really more of a voluntary type program and they had very strict rules to adhere to because they were suppose to be there on their own. I called Judge Gustke at his home and told him I was going to Columbus to get Jeff and was instructed by him to take him to the Juvenile Detention Center until we had a hearing.

Approx. 9/9/81 - Hearing with Judge Gustke. Jeff was orderd to go to Salem for a 30 day evaluation because he did not complete the program at Talbott. (These evaluations use to be performed at Pruneytown but are now done at Salem). At this time I wanted to have my own evaluation done without Jeff going to Salem but was informed that he would be in a safe place and it would be a very professional evaluation.

Approx. 10/6/81 - Jeff returned from Salem and was placed back at the Juvenile Detention Center. After a few days he was released because of good behavior and placed on home detention.

At this time Jeff started attending Parkersburg High School as an eleventh grader. I was able to get him in this late in the year because of the fact that he had been at Talbott and Salem when school started.

Approx. 12/1/81 - Dispositional Hearing with Judge Gustke. At this hearing Jeff was placed on probation because of good behavior. He was given a contract by Linda Dunn, his probation officer, which stated all the rules he had to follow.

During the rest of the school year in 1981 Jeff did fairly well regarding the rules. He was to attend school, attend AA meetings once a week, be in by certain hours and check in with his probation officer once a week. I had no serious problems with him all winter and because of his good behavior and attitude he was allowed to do things over the winter that he really enjoys. He went snow skiing 4 or 5 times and I allowed him to miss a couple of days of school to go on one ski trip. Jeff did skip some classes during the school year at which time I always grounded him but it seemed like everytime he would have a slip up of any sort his probation officer was always ready to threaten him with Davis or Pruneytown.

Jeff saw Debbie Cowan (family therapist) once a week all during the winter of 1981 and summer of 1982. Jeff was ordered by the Court to see a therapist weekly but Debbie Cowan felt she never got any assistance or cooperation from Linda Dunn (JPO).

Jeff did real well over the summer. Although I know that he was involved somewhat with alcohol and marijuana, there was no comparison in his attitude and behavior as before he went for treatment. For the most part, he continued to go by the rules and did real well until school started.

When school started in September, he started skipping classed after approx. two weeks of school.

Linda Dunn (JPO) took him to Court for skipping these classes and he was told by Judge Gustke that he would have to attend his classes or be put in jail and made to go to school from the jail.

Around 9/22/82 - Linda Dunn picked Jeff up at school and took him to the Correctional Center where she placed him for skipping school. A hearing was held (which they told me I did not need to be present) to determine if Jeff should be held in the jail and given a school release. I was never called or informed of anything except that they would keep Jeff in jail and he would go to school from there and that there would be another hearing on November 5. I called Linda Dunn to ask her what I needed to take to Jeff (school clothes, etc.) she informed me at that time to call his lawyer. I then called Ernie Douglass (Jeff's lawyer) and asked him the same questions to which he replied "Why did she have you call me"?

9/24/82 - Debbie Cowan visited Jeff in jail. At this time he informed her he wanted to request another probation officer because he felt that Linda was never looking out for him did not care about him, only wanted to punish him and never had any kind of treatment in mind for him

10/2/82 - Debbie Cowan again visited Jeff in jail. (Had a real good session)

10/4/82 - Jeff had another hearing and was found guilty of violation of a court order (which was for skipping school). Case will be disposed of on 11/5. He was still to stay in jail and go to school from there.

10/7/83 - Debbie Cowan visited Jeff. (Again had a real good session). Each time Debbie visited Jeff he told her he did not think he was being treated fairly by the court system.

10/16/82 - Debbie Cowan visited Jeff in jail. At this time he was high. Debbie was upset by his being high and talked to one of the deputies regarding this. He told her he did not know it and that she must really be trained to spot that. Debbie did not know whether Jeff got it in there or came from school that way, because he kept stating to her that she was going to get everyone in trouble in there.

Approx. 10/20/82 - Jeff was taken off the school release program because he was starting to skip classes again. I was never informed of this until I found out for myself. Also I do not think that Jeff's lawyer or probation officer visited him one time the entire time he was placed in the jail. He called me 3 to 4 times a day and kept telling me they had left him there and were not even checking on him. He also told me his lawyer never returned his calls.

When I saw that Jeff was not going to finish school and would perhaps revert back to the problems he once had, I started searching for a good long-term program for him. Debbie Cowan and I found about three that we were really interested in and each one of them had room for him in their program. I finally decided on the Be Center in Ashville, NC which was approx. $1800/Month. I was going to use the money I had saved for his college to put him through this program. The program sounded good because it was not a punishment type program but rather one of love and discipline and also had many outside activities such as mountain climbing, a pet farm, etc. It had so many positive aspects and up to this point it seemed like Jeff hab been given so much negatism by his JPO.

On 10/29/82 Debbie Cowan visited Jeff in the jail and discussed the programs with him and he was very excited about them. He had wanted to go to the one in North Carolina or Connecticut and seemed real anxious to go. He also hoped that if he did real good in the program that he could finish it before the year was up.

Jeff called me every day while he was in the Correctional Center. In fact he often wanted to complain to me about the situation there but I would not give him a chance because Judge Gustke and Linda Dunn both told him he would have to pay his consequences and that I should not baby him or try to bail him out. Therefore most of our conversations dealt with his dog, his being released, etc.

I have a letter that he had written to Judge Gustke. He wrote it on November 3 and was going to give it to him on November 5. I feel that it is truly the way that he felt and it is a very worthwhile letter.

I copied all three of the programs that I was interested in for Jeff and took them to Judge Gustke one day on my lunch hour. I talked with him for a few minutes and told him I would appreciate it if he would go along with Debbie Cowan and my recommendation to send Jeff to the Be Center with me paying for it. He asked if I had discussed this with Linda Dunn and I had not because I had had no contact with her since Jeff was placed in the jail. He told me he would go over it with her and felt that they would go with my recommendation. He wished more parents were like me, which made his job easier, etc.

On November 4, Jeff called me several times during the day. Wanting me to bring dress clothes down to him to wear to see Judge Gustke the next day. Was really looking forward to going to the Be Center, but wanted to stay home a couple of days with his dog before he went.

I was called from the Correctional Center that evening at approximately 6:30 PM and told that Jeff had passed out and that they were taking him to the Camden Clark Hospital if I wanted to meet them there. They acted like it had just happened and that they did not know what had happened. When I arrived at the hospital I was told by Dr. Reyes (?) that they did not know what was wrong with Jeff, that he was unconscious and that his life was in danger. I was in a state of shock and the next few days are very blurry in my mind but I called Judge Gustke from the hospital and told him Jeff was there and how bad he was. He told me he would call the Correctional Center and find out what had happened. I then called Debbie Cowan at work and told her they were taking Jeff to St. Joseph's Hospital for a Cat Scan. D. Cowan called J. Gutske and he told her that Jeff had been hit or kicked. Debbie could not locate me to get this information to me but she left a message in the Emergency Room with a nurse that Jeff had been hit or kicked. Somehow this message never got passed on because Dr. Loar at the St. Jo Hospital said that Jeff had an anurism (?) and that he was positive that Jeff had not been involved in any "foul play". Dr. Loar talked with us after the cat scan and told us that what had happened to Jeff could have happened anywhere and that he probably had this anurism since birth. He again insisted that this could not have been caused by a blow or kick to the head. He also stated that Jeff could not have received that much damage from a hit or a kick. Dr. Loar stated that Jeff only had a few hours to live as there was no brain activity and that he was being kept alive only by artificial means. I wanted to have him airlifted to somewhere else -- Dr. Loar said "You cannot airlift a dead person". That night J. Gutske came to the Hospital and stayed until around 12:00 PM.. Deputies were also staying there and I did not know why.

November 5 - Friday

Bob Parks (an inmate from the Correctional Center) called me on the phone in the Intensive Care Waiting Room early Friday morning. He was whispering and told me that he was an inmate and that he saw Sheppard brothers attack Jeff. He told me to please believe him and that he was calling for the Hospital Chaplain to come see me and also to see Jeff and pray for him. He told me Jeff was a real good kid down there and did not cause trouble for anyone. Within a few minutes the Hospital Chaplain came to see me and told me he had received the call from B. Parks. The Chaplain and I went in to see Jeff and he prayed for him. B. Parks called my sister twice that same day and told her the same story. I was told to discount any calls because they were just prank calls. That same day Linda Dunn came to the Hospital. She only talked for a few minutes and when I told her of the phone call from B. Parks, she told me not to believe anyone there because they were all in trouble and they would say anything they could to get trouble started down there. J. Gutske came that night and stayed at the hospital until approx. 2:30 PM. Dr. Loar still insisted that there was no foul play and got irritated when my family suggested that they thought there was.

November 6 - Saturday

Dr. Loar came in the Intensive Care Waiting Room and wanted permission to take Jeff off the life supporting equipment. He said there was no brain activity and that he was only living because of the machine that was breathing for him. After meeting with my ministers this was decided. Jeff died at approximately 11:00 AM. I was told he would be sent to Charleston for an autopsy - but Dr. Loar still insisted that there was no "foul play".

November 7 - Sunday Evening

J. Gutske spoke with my sister and told her there was evidence of foul play that Jeff had been either hit or kicked. At this time my sister met with some other members in my family and they decided not to tell me this until after the funeral. My sister and brother-in-law did not think that I would be able to handle this information at this time. (but I already felt it in my own mind).

We received more phone calls regarding the Sheppard brothers.

November 8 -- Received several phone calls from anonymous people regarding Bob Sheppard.

November 9 - Funeral - 2:30 PM

After the funeral my ministers told me that Jeff had been hit or kicked and that my family did not want mother or myself to know it until after the funeral.

At 8:00 P.M. J. Gustke, L. Bechtold, Barrows, D. Cowan, the minister and my family met. L. Bechtold told us he had almost finished his investigation and that Jeff had been hit or kicked (only one time). He said he had two witnesses and neither were very reliable. One was Bob Parks and the other was someone named Dennis. Jeff was supposedly sitting on the floor facing Dennis and talking with him when Bob Sheppard either hit or kicked him and was calling him a rat. The guard saw Bob Sheppard standing over Jeff's body and Frank Sheppard was nearby. I was so upset and still in a state of shock that I could not even think clearly to ask L. Bechtold any intelligent questions. I did ask why Bob Sheppard was in the same section with Jeff and he said because he was a "Model Prisoner". I asked if he had had any involvement with drugs and Bechtold told me that he was not aware of any. (I later learned that he was wanted for armed robbery at the Medicine Shop for drugs and money). I asked why he was in with Jeff when he had committed a felony and Bechtold said because he was not convicted yet. Bechtold said it would not help to talk with F. Sheppard because a brother couldn't/wouldn't speak out against another brother.

Bechtold said none of us should talk to anyone about this incident because it would hurt the case. There was a big ordeal about whether I could say anything because Jeff was a juvenile and someone might bring suit against me. D. Cowan asked if they were going to separate B. Sheppard from everyone else so that he could not talk or threaten anyone that might have seen this incident and Bechtold told her they would try but really they couldn't and Sheppard would probably file suit if they did. At one point, Bechtold said that B. Sheppard was real smart and was a paralegal. When I asked if he knew karate he replied "no he is too dumb". Bechtold and Barrows said they had a real weak case because of the witnesses not being reliable. Bechtold also made the statement that he knew who I was but did not realize that Jeff was my son and had he ~~have~~ known ~~that~~ he would have paid particular attention to Jeff.

November 10 thru November 14 - Phong rang constantly. Press reporters wanting a story - wanting to know why Jeff was in there when there were no criminal charges. We also had all kinds of phone calls telling us to have an outside investigation, bring in the FBI, what terrible things happen at the Correctional Center and that they were trying to cover something up.

Have had no contact with J. Gutske since Funeral. Was never contacted by L. Bechtold until finally my brother-in-law called him around November 23 and told him we would like him to come back to our home to answer some additional questions.

November 26 - Lee Bechtold and Deputy Barrows came to the house and talked with my family and me. Lee Bechtold said their investigation was complete and that Lauren Young of the Juvenile Justice Committee was satisfied with his investigation. He mentioned that she would like an outside investigation done too and he assured her that he would have one done. He told us that Larry Gibson of the Parkersburg Police was doing this outside investigation. I asked him if I could speak with Lauren Young and he said he would contact her and arrange it. After not hearing from her for several days I contacted her myself. She was real surprised and pleased to hear from me because when she was in Parkersburg to see Lee Bechtold and mentioned that she would like to talk with me he told her it was not a good idea because I was so upset, etc. that my family preferred if I was not bothered by anyone. We talked on the phone for about an hour and she was very upset about the inconsistencies and discrepancies regarding the outside investigation. We made plans to meet in Ripley, W. Va. on December 2 at 1:30 PM.

November 30 - Lee Bechtold called my brother-in-law (Bernard Stutler) in the morning to say that the newspapers were not correct and were getting in the way of his outside investigation. He called again that afternoon to tell him he had completed his outside investigation and would come over on December 2 in the evening to give us results of outside investigation.

December 2 - Lee Bechtold called my brother-in-law to tell him he would not be over to discuss investigation because the press had put a wringer in everything he tried to do. At this point in time it was not true that Larry Gibson was doing an investigation and the only outside investigation he had was with a couple of deputies from surrounding jails coming to see him for 2-3 hours and telling him that his investigation looked okay to them.

9:30 - 11:30 AM - My sister (Carolyn Geibel) and I met with Harry Dietzler, Prosecuting Attorney. He gave the impression that he could care less about justice but only making Harry look good. He said he was satisfied with the Sheriff's investigation but thought the most he could get Bob Sheppard on was involuntary manslaughter. He talked about not having good witnesses because they were not that reliable. Said Judged Gustke was "worst judge in state" - "Hates" Bechtold. Made statement - "Bechtold is not wrapped too tight". Said he was more afraid of Bechtold than people he had sent up for murder. Told me it was an unfortuante incident but I should get on with my life now. (as though he was talking about something as minor as a traffic violation). Also told me that Lauren Young's investigation into this would not amount to anything because that committee did not have much money or clout to work with.

1:30 - 5:30 PM -- Met Lauren Young of the Juvenile Justice Committee in Shoney's at Ripley. She was very upset with the lies, cover-up, inconsistencies, etc. Thinks I should come out with my story. Very upset because Jeff was confined at the Correctional Center for skipping school. Wants a thorough investigation but does not know if one will be done.

Regarding Lee Bechtold investigation:

(1) Said it was complete when one had not even been started. (re. outside investigation) He had his own investigation complete the same evening Jeff was assaulted.

(2) Told us it was Larry Gibson of the Parkersburg Police (when this was not true).

(3) Newspapers said it was deputies (friends of his) from other jails and that it lasted 2-3 hours.

(4) Harry Dietzler and Lauren Young had State Police come in to do the outside investigation.

Talked with Loren Young several times during week of December 6. She keeps saying Jeff should not have been in jail for status offense and wants me to make some kind of statement or story telling why he was actually there. She is very upset about the whole judicial part of this too - wonders what would have happen to Jeff if I had not had the Be Center picked out for him. . Wonders what J. Gustke and L. Dunn would have planned for him.

December 7 -

Met with Corporal DeBoard from State Police. He basically told me same information that H. Dietzler did. (how they all hate each other). Did tell me that Bob Sheppard was not a "model prisoner" and that he had a big thick book on all the things he had done and that he was a troublemaker. Col. DeBoard did tell me that B. Sheppard did have visitors that day (Nov. 4) and they they were trying to sneak drugs in to him through some type of a deodorant container. The Guard intercepted his drugs and probably B. Sheppard thought Jeff had told on him. Sheppard was supposedly kicking Jeff and calling him a "rat" and Jeff was saying "I wouldn't rat on you". They also told me that I could not believe Bechtold because Sheppard had drugs brought in to him on several occasions. The State Police told me they would get back to me after they finished their investigation (or if anything new came up) but so far I have not heard from them either. I was told from a very reliable source that the State Police did not want to get involved with Bechtold.

As of this date, (December 16) I have heard from no one except the press and L. Young and many many outside phone calls saying that something has to be done and the truth needs to be told. Everyday I receive a phone call from the Associated Press asking me to please make some kind of a statement and let people know why Jeff was really being held at the Correctional Center. Everyone (myself included) feels like they are trying to cover something up. I am sure Bechtold and Gutske just want it brushed under the rug and dropped. I feel that Bechtold does not want a very strong case against Sheppard because it is much better on his part to have had an involuntary manslaughter happen at his jail rather than first degree murder. I don't feel like they are really looking for a motive or at some of the facts that are right there. Also, two deputies stated that they did not want B. Sheppard put in Cell A because he was nothing but a troublemaker.

The questions I would like answered are:

(1) Was Jeff confined there illegally?

(2) What time did the incident occur?

(3) Why wasn't I called before 6:30 PM?

(4) Why did the doctors say no "foul play" when Gustke and Bechtold knew that there was.

(5) What time did ambulance go to Correctional Center?

(6) Why was R. Sheppard in same cell with Jeff when he was up for a triple indictment (2 breaking and enterings and 1 armed robbery)?

(7) Two deputies stated that they did not want to move Sheppard in Cell A - Why was he moved there?

(8) Why was Jeff held for violation of a court order - when the court order was a treatment contract stating that he could not skip school. He was infact placed there for skipping school.

(9) Why am I not suppose to talk or tell why Jeff was in there. I thought the law was to protect the living juvenile. Who is being protected here? It seems as though it is Gustke and Bechtold.

I received a call from Corporal DeBord from the State Police telling me that their investigation was complete and if I wanted to come out they would discuss it with me. On New Years Day 1983, my brother-in-law, mother and I went to the State Police Headquarters. We talked with K. O. Adkins, and Corporal DeBord, both of whom took part in this investigation. We read the report and stodies it for approx. 3 1/2 hours and in this report there was evidence of neglect on Chief Deputy Barrows part. It also showed a motive for Bob Sheppard murdering Jeff. Two witnesses stated that Bob Sheppard kicked Jeff several times and called him a rate and a punk. Jeff screamed and said that he did not rat on Bob Sheppard. When Jeff tried to get up Bob Sheppard kicked him in the head which ultimately led to his death.

The State Police Report stated that Bob Sheppard's uncle (Max Dotson) had brought him drugs in a roll-on deodorant container that same day and that Chief Deputy Barrows intercepted them and sent a real container in to Bob Sheppard to see what his reaction was. Bob Sheppard thought that Jeff had told that he was getting drugs and that supposedly is why he started kicking him. Also it was stated that Bob Sheppard had been mad at Jeff for several days because Jeff was leaving and he had asked Jeff to get drugs back into him and Jeff stated that he would not because once he got out of that place he was making sure he did not get back in.

Also Bob Sheppard had written a speed letter to a deputy that day before he assaulted Jeff asking to be moved away from the rats before the inevitable happened.

After Harry Dietzler read the State Police Report he stated to the press that there was no new evidence in the outside investigation. I do not know whether he knew I had read this report but when I called him on the phone and asked him why he made this statement he said because there was no new evidence in the way that Jeff died. He said that he did die from a blow to the head.

When I asked Harry Dietzler why Max Dotson (Sheppard's uncle) was not arrested for bringing in the drugs he replied by saying he wondered the same thing. He also stated that there was a lot going on at the Correctional Center with Bechtold and Barrows but any lashing out he did at them would look like a politcal thing because he was a democract and Bechtold was a republican.

Harry Dietzler later came on the news and said he was having Bechtold do an investigation into the drugs brought into the jail by Max Dotson. So far there has been nothing mentioned of this again and probably never will be.

This past Saturday (Feb. 12) K. O. Adkins from the State Police Department called me. I am not sure what the nature of his call was because he just wanted to tell me that he had talked with the doctor who performed the autoposy and that he was afraid that Bob Sheppard would only get involuntary manslaughter because the autoposy showed that it was only one blow that killed him. I have had a couple of doctors read the autoposy and discuss their findings with me only because I did not want to read it myself, nor would I understand it. Both of these doctors said that although there were only superficial bruises or lacerations it still in their opinion was done by several blows or kicks. K. O. Adkins also told me that one of the witnesses (Darrel Dennis) had been calling the F.B.I. because he claims that he is being threatened by a deputy for talking. Mr. Adkins told me to discount this because this deputy was not like that. (indicating that some of them were).

Because of all the conflicting statements, stories, etc., it appears only the F.B.I. can investigate this whole issue. I have not been told the truth by anyone (except Lauren Young) from the very beginning and will never be satisfied until the truth comes out and justice is done.

The trial is set for February 22 and although Bob Sheppard was arraigned on first degree murder charges, I have a feeling that unless Harry Dietzler really goes after this in the manner that he should that Bob Sheppard will end up getting an involuntary manslaughter verdict. I do not know whether Dietzler will bring up the fact that drugs were brought in to Bob Sheppard and that Deputy Barrows intercepted them, etc. because he may not want to bring up anything about the Correctional Center.

I may be reading this all wrong but I have become very skeptical about all of it because of the lies I have been told.

Mrs. Lois H. Flanigan
3307 Vair Avenue
Parkersburg, W. Va. 26101
June 30, 1983

Ms. Ellen Greenberg
Office of Senator Arlen Specter
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Ellen:

I have enclosed a receipt from the Holiday Inn for June 20 which you requested. Also enclosed is a copy of the article that was in the USA Today Paper and a copy of an article which appeared in the Parkersburg Sentinel.

I have also enclosed a copy of my son's letter written to the Judge the day before he was murdered. I would like to have this submitted as part of the record on the June 21 hearing.

Another item that should be submitted as a part of the record on the hearing are the feelings that my son had while incarcerated. He felt no one cared for him - his lawyer visited him only once during the five weeks he was confined. In addition his lawyer never returned his phone calls. Also his probation officer only visited him once and would not give him any idea of how his dispositional hearing would be handled other than telling him he may receive further incarceration. He was very frightened and could not understand why all this was happening to him for school truancy. He felt as though he was left in jail with no one caring for him and not really understanding why he was there. I constantly assured him that it was because we loved him so much and because he was so special that we all wanted him to get his life turned around. I assured him that at his dispositional hearing I would see to it that he was sent to an out of state program (which he wanted to attend).

Jeff was removed from a home which centered around a Christian environment and one which loved and wanted most of all to help him develop into a mature and responsible young man. From this he was placed in an environment that certainly was not conducive to developing a juvenile. His emotional, mental, and physical welfare was under the direction of the court yet they failed to follow-up on any of these.

Please keep me up to date on the status of the bill to provide for the deinstitutionalization of status youth. I am such a firm believer that this should come to pass and hope in some small way my testifying will help. I feel like I had so much to say and said so little. There are so many youth who are thrown into the court system with little or no way of surviving and my heart aches for them.

Ellen, thank you so much for the kindness you showed me while I was in Washington and please keep in touch.

Sincerely,

Lois

Lois Flanigan

rcd.
11-3-82

Proposed Treatment Plan

I Feel that I need some sort of Drug Rehabilitation because my Problem is not that of a criminal nature. I have been Researching different drug center's and have found a few that I think I may benefit from because they do not us AA as much as they try to get you involved in activities that you are interested in and enjoy doing and I feel that this would work much better than the drug center I Attended in the Past because I feel that you have to enjoy what you are doing before you can ~~tha~~ take an Interest in it. The Drug center's that I have gotten Information on give you a job doing farm work, working in a carpentry shop, kitchen work and working with animals in a vetenary type atmosphere etc, and they Place you in a job that suit's your interest's you work at that job for part of the day and you are Responsible for maintaining your living quarters and taking care of all of your Personal need's, they also stress individual therapy

As much as group therapy everyday. They teach you a set of value's like self acceptance, discipline, integrity, honesty and Respect for other's, and they have to be lived and practiced in all your daily activitie's They try to Pass on to you the skills that you will need to make a living and a life for yourself in the community and after They feel that you have Reached those goals the Place you in a Part Time Job in the community and Gradually make you less dependent on them and more and more confident on your own abilitie's to support yourself and make a life for yourself without the use of drug's. They also say that if you complete the program and attend college that you can work their as a Paid staff member on summer vacation.

signed - Jeff Flanigan

[From the Charleston Gazette, July 10, 1983]

DEATH POINTS OUT FAILINGS OF JUVENILE JUSTICE SYSTEM

One of the tragic results of the failure of the juvenile justice system in West Virginia was the death of a young man in Wood County Jail. His name was Jeffrey Flanigan.

He had committed no crime and was never very disruptive. He should not have been locked up. He following sequence is taken from a report by the Juvenile Justice Committee. He was identified only as "J":

In July 1981, a mother contacts the prosecuting attorney. Her 17-year-old son refuses to enter a drug rehabilitation program in Ohio. A few days later, a deputy enters her home, handcuffs the boy and takes him to court. Circuit Judge Arthur Gustke orders him confined to a temporary foster home.

He calls, in tears, asking to come home. He is allowed to return to get his dog. He takes the dog for a walk but goes home instead of returning to the shelter. The mother says she never wanted her son arrested.

His probation officer files a petition accusing him of violating a court order. He is sent to a foster home. He leaves the foster home and stays out overnight. A judge then ordered him placed in a secure detention facility. Eventually, he is ordered to attend a drug program in Ohio.

He returns a week before the program is over. The judge locks him up again. He is ordered to the state Industrial School for Boys at Pruntytown to take a diagnostic test administered by the Department of Corrections (and largely duplicating tests he already has taken in Ohio).

He is held by the Department of Corrections for more than three weeks after school starts. Consequently, he receives failing grades. The judge puts him on probation but warns him he will be incarcerated if he violates the terms.

Terms are strict. He is forbidden to violate any law, to refrain from use of alcohol or drugs, to associate with anyone not approved by his probation officer, to marry, drive a car or leave town without permission, and to observe an 8 p.m. curfew on weekdays and a 9:30 p.m. curfew on weekends.

He turns 18 not long after and violates the contract by staying out overnight. He is told that another violation would result in his being jailed. He also is ordered to be home from school by 3:40 p.m.

He gets along well during the summer. His private counselor asks that the curfew hours be modified because an 8 p.m. and a 9 p.m. time limit is difficult for an 18-year-old. The probation officer refuses.

When school starts he gets into trouble by missing. He is taken before the court and the judge says the probation officer could let him stay at home or put him in jail, as the probation officer sees fit. The probation officer allows him to go home, but he then misses another day of school and the probation officer has him put in jail on a criminal charge of violating the judge's order.

He is housed with adult inmates. For a time, he is allowed to attend school while a prisoner, but when he skips classes the judge revokes that right.

The boy's school record had been spotty. It was good until junior high school. His grandfather became seriously ill and he started missing school. In the eighth grade, he was discovered smoking marijuana and was suspended for the remainder of the school year (about four weeks). His mother tried to get him back in school saying that she worked and that he would be left unsupervised all day. Her pleas were unsuccessful.

From the ninth grade onward, the boy went from public to Catholic to Christian schools. In the 11th grade, he quit school to enter military service but after a month was discharged because he was so slight he did not meet weight requirements. His mother said his commanding officer told her that her son was "a little kid who needs to be in school."

While he was in jail, his school attendance forbidden, the school system dropped him back to the 11th grade. He had missed more than 10 days and its rules forbid him from receiving any credit.

He was held in jail for six weeks. His hearing was scheduled for Nov. 5, 1982. All parties expected him to be released. On Nov. 4, he was struck by another inmate and died of a head injury.

The investigation showed that the sheriff was incorrect when he claimed no violent persons were being held in the same area of the jail. The sheriff also denied a finding by state police that the man who attacked "J" had written a "speed" letter to jailers saying he was afraid that he was going to something violent.

The sheriff also denied that drugs were being smuggled into the jail or that drugs were involved in the incident that led to J's fatal injury. The sheriff agreed that the family had been requested not to discuss the case with reporters.

The Juvenile Justice Committee report said that J had never been charged with a crime and had never committed one. "Incorrigibility" is not a crime. The term is a catchall for a status offense—something that is an offense only if done by an underage person—for which jailing is not allowed. The court order that he violated had no meaning since it put him on probation for a noncriminal act.

The probation officer had two plans that would have been presented to the judge at the hearing. One would have kept J in the community. The other was incarceration. She never discussed either plan with the family. The youth's lawyer knew nothing of any plans and had, in fact, visited him only once, for 15 minutes, on the day he was fatally injured—the day before the hearing.

According to the committee, a number of things went wrong: J was jailed after a 10-month probationary period in which he had done well. The state is allowed to intervene on behalf of status offenders under the theory that it will provide protective service. In J's case, state intervention resulted in his being killed.

The state had him put in jail for not attending school. Because he skipped some of the time that he was allowed to leave jail to go to school the state terminated his education (restricting him solely to jail where he was able to obtain drugs).

Further, the state, through Judge Gustke, "ordered" him to attend school even though his history revealed that he had eight changes in school placement in the final five years of his life. The committee said that ordering school attendance and expecting compliance ignores reality and the state's duty is to supply help, not orders.

The committee also pointed out the school system's response to his not attending school was to forbid him to attend school. When he started a term late, because he was undergoing court-ordered testing, the school system did nothing to help him. Instead, it gave him failing grades for the period in which he was absent.

When he was caught smoking marijuana in the eighth grade, even though he was not disruptive he was suspended. The committee said that school attendance is a right guaranteed young people and that the school system's policy of punishing students by forbidding them to attend needs continued debate.

The committee said that it costs about $60 a day to hold a person in secure detention and about $50 a day to hold young people in shelters. The diagnostic testing at the Department of Corrections may have cost as much as $2,000. J's cost to the state was at least $5,000, probably more. The money could have brought a lot of services, including the exclusive time of a full-time child care worker for three months.

JUVENILES IN WEST VIRGINIA JAILS

Decreases in juvenile incarcerations, 1980 — 1982.

Status offenders are those who are offenders because they are under age. Runaways, school skippers and truants fall into this category. Status offenders cannot legally be locked up.

	1st half 1980	2nd half 1980	1st half 1981	2nd half 1981	1st half 1982	2nd half 1982
Total	377	261	186	90	52	35
Total illegally held	334	225	143	64	36	25
Percent illegally held	89%	86%	77%	71%	69%	71%
Status offenders	51	43	31	2	1	14
Non-violent felony	97	53	50	18	12	3
Misdemeanor	160	99	55	31	18	7
Total number of jails holding juveniles	27	23	16	11	9	6
Total number of jails not holding juveniles	26	30	37	42	43	44
Total number of jails holding 10 or more juveniles	12	8	6	2	2	1

SOURCE STATE JUVENILE JUSTICE COMMITTEE

GRAPHIC BY BRENDA PINNELL

Senator SPECTER. Let us turn now to John, if we may.

John, I understand that you have spent the last month at Cedar Knoll, a secure detention center for juveniles in Maryland.

Would you be willing to tell us how you happened to be sent to that detention center for juveniles?

STATEMENT OF JOHN

JOHN. Well, the circumstances—for circumstantial evidence. The judge said that he thought I looked too slick, and he brought up another charge.

Senator SPECTER. How did you happen to be before the judge?

JOHN. They say I took a lady's pocketbook.

Senator SPECTER. They said you took a lady's pocketbook?

JOHN. Yes. And the lady said she was not sure it was me.

The lady said she really did not think it was me. When she was really getting a look at me. Then the judge would not let me go, he said he think I am a little too slick, so he say he is going to send me to Cedar Knoll.

Senator SPECTER. So you had a hearing, for taking a lady's pocketbook. She did not identify you, and the judge put you in the detention center, saying that you were a little too slick?

JOHN. Yes.

Senator SPECTER. Had you ever been arrested before?

JOHN. Yes.

Senator SPECTER. What was the charge on that occasion?

JOHN. Neglected child, runaway, marihuana. That is all.

Senator SPECTER. Arrested once for the use of marihuana?

JOHN. Yes.

Senator SPECTER. Sale of marihuana?

JOHN. No. Use.

Senator SPECTER. Just on one occasion?

JOHN. Yes.

Senator SPECTER. Had you been arrested for any other thing, besides the ones you just identified and mentioned?

JOHN. No.

Senator SPECTER. All right. Now back to this incident on the charge of taking a woman's purse, where you said she did not identify you, and then the judge sent you to Cedar Knoll. What is Cedar Knoll like?

JOHN. It is a detention school, correction school.

Senator SPECTER. Is it a cottage?

JOHN. It is a cottage, it is several cottages in there, and you first get there they put you in——

Senator SPECTER. And how old are you at the present time, John?

JOHN. Eighteen.

Senator SPECTER. And how old were you when you first went to Cedar Knoll?

JOHN. Eighteen.

Senator SPECTER. How were you treated by the staff at Cedar Knoll?

JOHN. Not good at all.

Senator SPECTER. Are you in Cedar Knoll at the present time?

JOHN. No.

Senator SPECTER. How long were you held there, before being released?

JOHN. A month.

Senator SPECTER. And why were you released?

JOHN. For good behavior program.

Senator SPECTER. How long were you sent there for?

JOHN. I was sent—how long was I sent there for?

Senator SPECTER. Yes.

JOHN. For 30 days.

Senator SPECTER. What kind of programs were available to you at Cedar Knoll? Any education, counseling, or recreation?

JOHN. Just a little recreation and school.

Senator SPECTER. Any education?

JOHN. Nothing that I already knew.

Senator SPECTER. What is that?

JOHN. The things that they were teaching us we already knew. It was just to keep us occupied during the daytime.

Senator SPECTER. Were you placed in solitary confinement, when you first arrived there?

JOHN. Yes.

Senator SPECTER. What was the reason for that?

JOHN. They tell me when you first come there that you got to be locked up for 7 days in seclusion. It is a room that you be in by yourself. You do not see nobody, unless when they come to feed you. But you can hear a lot of voices.

Senator SPECTER. Are you at the Sasha Bruce House at the present time?

JOHN. Yes.

Senator SPECTER. And what is a typical day like at the Sasha Bruce House?

JOHN. You wake up 6 in the morning, do our chores, eat breakfast, go to school, come back home.

Senator SPECTER. Do you have parents, John?

JOHN. Yes.

Senator SPECTER. Do you live at home, ever?

JOHN. Yes.

Senator SPECTER. Mother and father?

JOHN. Father.

Senator SPECTER. Do you live at the Sasha Bruce House now?

JOHN. Yes.

Senator SPECTER. Would it be possible to live with your father?

JOHN. Yes.

Senator SPECTER. Would you prefer to live with your father?

JOHN. Yes.

Senator SPECTER. Why do you not live with your father?

JOHN. I like the program a lot. I want to go back home, but there they are helping me a lot.

Senator SPECTER. In what way?

JOHN. Counseling, ask me what is on my mind. They find out what is my problems. Talk to me. Give me a lot of activity to do, find me odd jobs, and people there I can relate to.

Senator SPECTER. When you went to Cedar Knoll, were you together with other young people, or were there any adults that you were commingled with?

JOHN. Just people my age.

Senator SPECTER. Just people your age?

JOHN. Yes.

Senator SPECTER. Had they been convicted of any crimes, to your knowledge?

JOHN. Yes.

Senator SPECTER. Like what?

JOHN. Armed robbery, attempt to kill, burglary two.

Senator SPECTER. What happened to you, as best you can describe it to us, as a result of your association with those juveniles who had been convicted of crimes?

JOHN. When I first got there, and met them, they tried to start something with you, so that you could either go back to lockup, or so that you can know who is in charge. Like it is a gang. And one day they took something from me. I was trying to get it back, and they just blocked the doorway so I would not go get the counselor, and push me.

Senator SPECTER. They blocked the doorway so you could not get what?

JOHN. They block the doorway so I could not get the counselor, and tell him. And they pushed me to this boy, and he hit me.

Senator SPECTER. Where did he hit you?

JOHN. In the face.

Senator SPECTER. Did he hurt you?

JOHN. Yes.

Senator SPECTER. Did you get cuts on your face? Did you bleed?

JOHN. Swollen eye.

Senator SPECTER. Hit you once?

JOHN. Twice.

Senator SPECTER. What else happened to you?

JOHN. Then when the counselor finally came in, he asked me what was going on. I say he hit me. He said no, he hit me. He seen the knot on my eye, but at the same time the other boys were saying I hit the other boy first, so I went back to lockup.

Senator SPECTER. You went back to lockup?

JOHN. Yes.

Senator SPECTER. What happened to the other boy?

JOHN. Nothing.

Senator SPECTER. Did he go back to the lockup?

JOHN. No.

Senator SPECTER. How did it happen that you went to the lockup and he did not?

JOHN. Because I guess he had been there longer, and I guess they will listen to him before they will listen to me.

Senator SPECTER. Did the counselor believe him, and not you?

JOHN. Yes.

Senator SPECTER. And you had the lump on your eye?

JOHN. Yes.

Senator SPECTER. Did he have any damage?

JOHN. No.

Senator SPECTER. Did you hit him?

JOHN. Yes.

Senator SPECTER. Did you hit him more than once?

JOHN. Twice.

Senator SPECTER. Did you sustain any damage to your own self as a result of being put in there with these other juveniles who had committed crimes, John?

JOHN. In a way.

Senator SPECTER. In what way?

JOHN. They do a lot to you.

Senator SPECTER. Like what?

JOHN. Toothpaste you at night, throw wet pissy toilet paper in your face.

Senator SPECTER. I am sorry, I cannot hear you.

JOHN. Throw wet pissy toilet paper in your face, burn your feet, throw shoes at you when you are asleep, cruel stuff. Throw your food on the floor so you won't eat.

Senator SPECTER. They are cruel to you?

JOHN. Yes.

Senator SPECTER. Do they teach you the ways of committing crimes?

JOHN. They teach some people ways, but I never got into it.

Senator SPECTER. How did you happen to avoid it?

JOHN. I just tried to stay to myself, the best way I can.

Senator **Specter**. Why do you say they teach some people how to commit crimes?

John. Because some people come in there, they be real scared of them. They just want to be with them. They more closer they think they can get to them. The more harm they think will not be done to them.

Senator **Specter**. The young boys who come in try to be nice, because they sort of take over and are in charge of the place?

John. Yes.

Senator **Specter**. Did you see some youngsters under their dominion and control, so to speak, when you were there?

John. Yes.

Senator **Specter**. How many?

John. A lot of them. I cannot even——

Senator **Specter**. Were these other youngsters there, without ever having been charged with any crime?

John. A couple of them.

Senator **Specter**. Do you think that people who were there, dependent children, status children, are mixed with other children who have committed crimes?

John. Yes.

Senator **Specter**. That those status children are harmed by that association with those other children?

John. Yes.

Senator **Specter**. Tell me in what way you think they are harmed.

John. Because they do things to you. They try to tell you things, when you do not want to listen. It is a lot of stuff they do to you. It is just unmentionable.

Senator **Specter**. A lot of stuff they try to do to you, and what?

John. It is just unmentionable.

Senator **Specter**. I know it is unmentionable, John, but we are trying to find out what goes on there and create a record. Every word that you say is going to be typed up, so that other Senators can read it. While it is unmentionable, I would appreciate it if you would mention it; because if you do not, then we do not know.

John. For instance, me, they, come on, Captain, there is a boy named Captain, they say come on, John, and they say let us escape. I said no, I do not want to escape. They put a fork up to my neck and say if I snitched, that they were going to kill me.

So I say, I ain't got nothing to do with it, I ain't seen nothing. I ain't hear nothing. I want my life.

Senator **Specter**. What else happened that is unmentionable?

John. They have sex with other boys.

Senator **Specter**. Sex with other boys?

John. Other boys. Beat people with chairs.

Senator **Specter**. Beat people with chairs. What else?

John. Toothpaste you up in your nose.

Senator **Specter**. Toothpaste up in your nose?

John. So you cannot breathe at night.

Senator **Specter**. So you cannot breathe at night?

John. Yes. And burn your feet in the middle of the night.

Senator **Specter**. How do they burn your feet in the middle of the night?

John. With matches. They put a lot of matches between your toes.

Senator **Specter.** Do you know whether any of the young boys who are there, just status children, meet up with any of these criminal juveniles after they get out and commit crimes together?

John. I never see it, but there was a lot of talk that they were going to be together when they got out.

Senator **Specter.** What kind of talk was there?

John. When you get out, like if they go to the same school, when they get out, I meet you in school, we get together, we can hook up.

Senator **Specter.** Do you think that happens, that the juveniles get together and commit crimes after they get out?

John. Yes.

Senator **Specter.** And do you think that the status children are led to a life of crime by these criminal juveniles?

John. Yes.

Senator **Specter.** Why do you say that? What I am trying to do, John, is find out what you really feel. I do not want to suggest these things to you if they are not real. I am trying to find out what you experienced there. I understand that you cannot describe it all that it does not all come to your mind. But why do you answer my question yes when I say do the status children later hook up with these juvenile criminals? Why do you think that happens?

John. Because the criminal children tell them you going to be back down here, you will come back down here pretty soon, and eventually they always do.

Senator **Specter.** Always do what?

John. Come back. And so if they do not hook up with them, they just get beat, toothpaste, or burned, or a little worse happens to them, like have sex with them, or beat them with a chair, or with a stick, or make sure that you do not eat for a couple of days.

Senator **Specter.** And that intimidates the young status children?

John. It scares them enough that they do not really know what is going on. They ain't got no other choice but to believe.

Senator **Specter.** OK, thank you very much, John.

Thank you, Mrs. Flanigan.

Mr. **Mones.** Senator, I would just like to add one more thing.

Mrs. Flanigan has something she would like to read to you. This was the last letter that Jeff had written. It was written the day before he was to be removed from the cell—the day that he was killed. We would like to enter it into the record.

Senator **Specter.** Please do.

Mrs. **Flanigan.** I will just read one little section of it. He had written this to the judge on November 3, and was killed on November 4.

> I feel that I need some sort of drug rehabilitation, because my problem is not that of a criminal nature. I have been researching different drug centers, and found a few that I think I may benefit from, because they do not use AA, as much as they try to get you involved in activities that you are interested in and enjoy doing, and I feel this would work much better than the drug center I attended in the past, because I feel that you have to enjoy what you are doing before you can take a real interest in it. The drug center that I have obtained information on gives you a job doing farm work, working in a carpentry shop, kitchen work, and working with ani-

mals in a veterinarian type atmosphere, et cetera, and they place you in a job that suits your interest. You work at that job for part of the day, and you are responsible for maintaining your living quarters, and taking care of all your personal needs. They also stress individual therapy, as much as group therapy every day. They teach you a set of values, like self-acceptance, discipline, integrity, honesty and respect for others, and they have to be lived and practiced in all your daily activities. They try to pass on to you the skills that you will need to make a living, and a life for yourself, after you leave.

At the end it says,

They also say that if you complete the program, and attend college, that you can work there as a paid staff member on summer vacation.

Mr. MONES. Senator, if the death of this young boy means anything, it is that this great Congress will enact this legislation. There are so many children who do not have anybody to advocate for them, and who will be left to languish in jails and in detention centers, unless some national legislation is enacted on their behalf, and on behalf of all of us. There are very, very few people out there who really care about delinquent children and children with adjustment problems. Children do not have a big constituency in this country. They are discriminated against on many different levels. Those kids that are locked in jails, will come out—if they in fact survive—much worse than they entered.

I strongly believe it is the responsibility of this country not to turn its back on its young people. By allowing the illegal incarceration of juveniles we will be ignoring the needs of our youth, thereby destroying a significant part of our future growth as a society.

Senator SPECTER. Mr. Mones, when you submit your written testimony, to the extent that you can be specific in actual cases in response to the questions that I have given you, it would be very helpful.

Mr. MONES. We will give specifics.

Senator SPECTER. Thank you very much.

I would like to call now on Mr. Ira Schwartz and Mr. Arnold Sherman, please.

Mr. Schwartz, will you please proceed?

Thank you for coming. I understand you are a senior fellow in the Humphrey Institute of Public Affairs, University of Minnesota.

We welcome you here and look forward to your testimony.

STATEMENTS OF A PANEL CONSISTING OF IRA M. SCHWARTZ, SENIOR FELLOW, HUMPHREY INSTITUTE OF PUBLIC AFFAIRS, UNIVERSITY OF MINNESOTA; AND ARNOLD E. SHERMAN, NATIONAL EXECUTIVE DIRECTOR, CAMP FIRE, INC., KANSAS CITY, MO.

Mr. SCHWARTZ. Mr. Chairman, thank you very much for inviting me to testify on the subject of deinstitutionalization, particularly as it affects status children.

Since I left the position of administrator of the Office of Juvenile Justice and Delinquency Prevention in 1981 I have been involved in directing a national juvenile justice research project at the Hubert H. Humphrey Institute of Public Affairs basically looking at the impact of the deinstitutionalization policies in the 1970's. Also, we were interested in examining whether gains made in removing juveniles from detention centers and training schools have been offset by corresponding increases in other systems—that is, child welfare, mental health. In other words have we essentially substituted one form of institutionalization for another.

Because of the time constraints we have this morning, I will try to focus specifically on just four points that come from the research that we have been involved in. By the way, I was delighted to hear you asking specific questions about data and information, because I think I may be able to present some here this morning that could be helpful.

Senator **Specter**. Mr. Schwartz, we all know the generalizations. They really are of little use. The specifics are essential if we are to get the Congress to enact legislation to compel the States to act. It will be only as a result of very compelling evidence that the Federal Government will be able to take away the control of the States on this issue. So that to the extent that you can deal in specifics, it may be helpful.

Mr. **Schwartz**. Correct. And I appreciate that, Mr. Chairman.

I would like to share with you the fact that we have been using the children in custody data series, which is a biennial census conducted by the U.S. Census Bureau of admissions to all publicly operated detention centers and training centers throughout the United States, and are in the process of updating that survey, and by this fall will have fairly detailed information on admissions to every detention center and training school in the country, and I think also by offense, which will include very detailed information on admissions—excuse me, status offenders.

What we found in our study, and I do have copies of the report available, and I will leave it for the record.

[The following was received for the record:]

YOUTH IN CONFINEMENT: JUSTICE BY GEOGRAPHY*

Submitted By:

Barry Krisberg
Paul Litsky
Ira Schwartz

September, 1982

XI. CONCLUSIONS

Data reviewed in the special report revealed glaring differences in juvenile correctional practices among the states. We note large disparities in:

a) admission rates
b) lengths of confinement
c) confinement of youth in adult facilities
d) expenditures per youth
e) conditions of confinement, especially youth-staff ratios, facility security and access to community activities
f) extent of chronic crowding in juvenile correctional facilities

In some instances the data revealed strong regional trends such as the high admission rates of the western states or the low expenditures per incarcerated youth in southern states. On other dimensions the pattern of state variation was more complex. But, in no case were these inter-jurisdictional differences explained away by differential rates of serious and violent youth crime. It must also be observed that our findings are quite consistent with previous national research on juvenile corrections. Further, it should be noted that recent research in

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*Funding for this research was provided by the Northwest Area Foundation. This document is one of a series of reports resulting from the work of the "Rethinking Juvenile Justice" Project of the Hubert H. Humphrey Institute of Public Affairs and the School of Social Work, University of Minnesota.

Florida (Kirsh, 1982) and Minnesota (Krisberg and Schwartz, 1982) document equally wide diversity in juvenile correctional practices among counties within the same states.

It may not be too harsh a judgment to characterize our juvenile corrections practices as "justice by geography." In a sense, it should not surprise us that decisions made in over 3,000 separate juvenile court jurisdictions across this diverse nation would produce large differences in correctional sanctions for delinquent youth. But, the magnitude of this interstate and intra-state variation in correctional practices must also raise profound political and public policy questions:

- How much variation in correctional practice is tolerable without endangering cherished notions of equity and due process?
- Can we accurately measure the benefits or harms experienced by youth confined in different penal settings?
- What are the appropriate policies and mechanisms of reform that can meet the challenge of promoting equity of correctional outcomes while preserving the best values of pluralism?
- What are the main obstacles or blockages to effective reform of the juvenile justice system?

Given the highly pluralistic and increasingly decentralized nature of our society, one wonders whether it is possible to achieve desired and agreed upon levels of equity, fairness and standardization. For example, decisions impacting policies and practices in the juvenile justice system are made by all three branches of government at the federal, state and local levels, and by different units and individual actors within each branch. The structure and process of decision making is difficult, complex and subject to widespread use of discretion. To achieve even the most limited goals requires far more careful and comprehensive planning and policy development than has yet been achieved.

We must both rethink and reassess our policies and strategies for change. The past decade of reform in juvenile justice was, in large part, aimed at (1) de-institutionalizing status offenders and non-dangerous delinquents, (2) developing more uniformity and internal consistency within the system and (3) adjusting the formal system to perform a more public protection role. The data generated for this report allowed close examination of how well the juvenile justice system has progressed along some of these dimensions. What emerges is a highly complex and idiosyncratic pattern of correctional facility use among the states that is largely unexplained by youth crime factors. Clearly, detention centers and training schools are not being used solely for purposes of public protection. Further the conditions of confinement within these correctional facilities are widely disparate. The current public policy debate surrounding the juvenile court and juvenile corrections must confront these findings and carefully consider the prospects for needed reforms.

Mr. SCHWARTZ. First of all, we found that the removal of status offenders and nonoffenders from secure institutions has, generally speaking, been one of the most successful juvenile justice policy thrusts of the seventies. Reports from State advisory committees, testimony before Congress, and other studies indicate the success in this area.

Senator SPECTER. You say the removal of status children has been successful?

Mr. SCHWARTZ. By and large, yes.

Senator SPECTER. What specifically can you point to that shows it has been successful? Has it reduced juvenile crime?

Mr. SCHWARTZ. There has, for example, been a substantial decline in the number and rate of admissions of females to detention centers and training centers throughout the country from 1974 to 1979. Since females made up the vast majority of status offenders who were admitted to such facilities, I think that is one very specific example.

I can give you the exact numbers, if you would like.

Senator SPECTER. That is all right. Your full statement will be in the record.

Mr. SCHWARTZ. That is correct. I think, however, that at this point we must take steps to insure that the progress that has been made will not be reversed, and I think also you have heard testimony this morning, and certainly the results of the recent GAO study on detention practices, document that there are still status offenders being housed in jails and detention centers.

Senator **Specter**. Do you have any specifics as to status children being in detention and the harm that it has caused them?

Mr. **Schwartz**. I do not have——

Senator **Specter**. I think we ought to get away from the term status offenders. It is a wrong term, and it suggests that there is some justification for detention.

Mr. **Schwartz**. That is correct. I do not have any specific cases at this point. I do have in my files, back at the university, which I shall be happy to share with the members of the committee.

Senator **Specter**. If you will give us those specifics, it would be helpful.

Mr. **Schwartz**. I shall.

I would like to also point out that another major finding is that while the policy thrust to remove status children from secure institutions has proven to be a major success, the overall results with respect to deinstitutionalization have been far less than what we had hoped for. The decline in detention admission rates from 1974 to 1979 was only 12.3 percent. It dropped from 529,000 admissions in 1974 to 451,810 in 1979. Considering that upward of 40 percent of all youth detained in the midseventies were status children, and nonoffenders, and considering that large numbers of youth accused of minor and petty offenses were also detained, these results are quite disappointing.

We also found that the rate of admissions to training schools remained constant throughout the entire decade. There was a substantial drop in the rate of admissions for females. This was essentially offset by increases for males.

One of the purposes and thrusts of the Juvenile Justice Delinqency Prevention Act was to provide States and localities with leadership and resources to determine alternatives to the use of incarceration. To divert them from the traditional juvenile justice system.

I can say that with few exceptions, diversion and alternative programs have mushroomed, while detention rates declined slightly, and training school admission rates not at all. We also found that the single factor, that most highly relates to the use of detention centers and training schools, is the availability of bed space. Admission rates were unaffected and unrelated to serious crime rates in the States.

I think this indicates that detention centers and training school beds are still by and large being used for purposes other than public safety. I think this has some tremendous policy implications for States.

Senator **Specter**. Mr. Schwartz, do you have some other highlights to mention because we are going to have to move on?

Mr. **Schwartz**. Yes. The last point I want to make is that while it appears that the policies aimed at removing status children and dependent neglected children in detention centers and training schools seems to have the desired impact, at least in the justice system, I am not sure that we can yet claim success. There have been a number of researchers and policymakers who have suggested that gains made at removing juveniles from detention centers and training schools have been offset by increases in child welfare and mental health systems.

In looking carefully at the State of Minnesota, we found substantial evidence in support of that. In particular, we found that large numbers of youth were placed in group homes and residential treatment centers for the emotionally disturbed, and in inpatient psychiatric units in private hospitals and in inpatient chemical dependency and substance abuse programs.

Many of these facilities are as secure as detention centers. Many of these youth housed in these facilities were staus offenders, who formerly would have been incarcerated in the juvenile justice system.

In Minnesota, the growth of these types of placements, the nature of the settings, and the reasons and methods of referral, and the impact of these placements have some significant policy implications. We have concluded that a hidden or private juvenile control system exists in our State for disruptive or "acting out" youth who formerly were labeled as status children. There is reason to believe that this hidden system exists in varying degrees in other States.

I think the nature and dimension of the system should be a major component of research agendas at the State and Federal level, and something that ought to be considered in your own deliberations.

There is a House Select Committee study going on by the GAO to look at whether or not this hidden system exists in other States. They are looking particularly at the States of Wisconsin, New Jersey, and Florida.

My guess, Mr. Chairman, is that you will find that large numbers of status children are being housed in those facilities, and we are really substituting one form of institutionalization for another.

Thank you.

[The prepared statement of Mr. Schwartz follows:]

PREPARED STATEMENT OF IRA M. SCHWARTZ

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I WANT TO THANK YOU FOR INVITING ME TO TESTIFY ON THE ISSUE OF DEINSTITUTIONALIZATION IN JUVENILE JUSTICE. THIS SUBJECT IS OF GREAT INTEREST TO POLICY MAKERS AT THE FEDERAL, STATE, AND LOCAL LEVELS, TO JUVENILE COURT JUDGES, PROBATION OFFICERS, PUBLIC INTEREST GROUPS, THE MEDIA AND THE PUBLIC AT LARGE. THE SUBCOMMITTEE SHOULD BE COMMENDED FOR EXAMINING THE PROGRESS THAT HAS BEEN MADE AND FOR CONSIDERING NEW AND MORE PROMISING APPROACHES.

SINCE LEAVING THE POSITION OF ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION IN FEBRUARY 1981, I HAVE BEEN DIRECTING A NATIONAL JUVENILE JUSTICE RESEARCH PROJECT AT THE HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS AT THE UNIVERSITY OF MINNESOTA. THE PROJECT, ENTITLED "RETHINKING JUVENILE JUSTICE," IS FUNDED BY A GRANT FROM THE NORTHWEST AREA FOUNDATION AND IS CONCERNED WITH ASSESSING THE IMPACT OF DEINSTITUTIONALIZATION POLICIES IN JUVENILE JUSTICE. IN ADDITION, WE WERE INTERESTED IN LEARNING IF GAINS MADE IN REMOVING JUVENILES FROM DETENTION CENTERS AND TRAINING SCHOOLS WERE BEING OFFSET BY CORRESPONDING INCREASES IN OTHER JUVENILE CONTROL SYSTEMS (I.E. CHILD WELFARE, MENTAL HEALTH AND CHEMICAL DEPENDENCY).

BECAUSE OF THE TIME CONSTRAINTS WE HAVE THIS MORNING, I WILL LIMIT MY COMMENTS TO SOME OF THE MAJOR FINDINGS AND POLICY IMPLICATIONS FROM OUR STUDIES. I HAVE COPIES OF THE REPORT "RETHINKING JUVENILE JUSTICE" FOR ALL THE MEMBERS OF THE SUBCOMMITTEE AND WOULD LIKE TO INTRODUCE ONE COPY FOR THE RECORD. ALSO, I WOULD LIKE THE RECORD TO REFLECT THAT THE VIEWS AND OPINIONS EXPRESSED ARE MY OWN AND NOT THOSE OF THE HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS OR THE UNIVERSITY OF MINNESOTA.

I WOULD LIKE TO INFORM THE SUBCOMMITTEE THAT THE DATA BASE WE ARE USING FOR OUR RESEARCH COMES FROM THE BIENNIAL CENSUS OF CHILDREN IN PUBLIC AND PRIVATE CORRECTIONAL FACILITIES -- KNOWN POPULARLY AS CHILDREN IN CUSTODY. BEGUN IN 1971, THIS DATA BASE CONSISTS OF SIX BIENNIAL NATIONAL SURVEYS ADMINISTERED BY THE U.S CENSUS BUREAU TO ALL KNOWN PUBLIC AND PRIVATE JUVENILE CORRECTIONAL FACILITIES.

THE CHILDREN IN CUSTODY SERIES CONTAIN A RICH SOURCE OF DATA ABOUT JUVENILE CORRECTIONAL FACILITIES ACROSS THE 50 STATES AND THE DISTRICT OF COLUMBIA. IN MOST INSTANCES, CHARACTERISTICS OF DETENTION FACILITIES CAN BE EXAMINED ON A COUNTY-BY-COUNTY LEVEL WITHIN STATES. THE HIGH RESPONSE RATE AS WELL AS PRELIMINARY TESTS OF DATA RELIABILITY SUGGESTS THAT THE CHILDREN IN CUSTODY DATA BASE HOLDS GREAT POTENTIAL FOR FUTURE JUVENILE JUSTICE POLICY RESEARCH.

FINDINGS AND POLICY IMPLICATIONS

1. THE REMOVAL OF STATUS OFFENDERS AND NON-OFFENDERS FROM SECURE INSTITUTIONS HAS BEEN ONE OF THE MOST SUCCESSFUL JUVENILE JUSTICE POLICY THRUSTS OF THE 1970'S. REPORTS FROM STATE JUVENILE JUSTICE ADVISORY COMMITTEES, TESTIMONY DELIVERED BEFORE CONGRESSIONAL COMMITTEES, AND THE FINDINGS OF VARIOUS STUDIES ATTEST TO THE SUCCESS OF THIS INITIATIVE. THE FINDINGS IN "RETHINKING JUVENILE JUSTICE" ARE CONSISTENT WITH THOSE OF OTHERS. THERE HAS, FOR INSTANCE, BEEN A SUBSTANTIAL DECLINE IN THE NUMBER AND RATE OF FEMALE ADMISSIONS TO DETENTION CENTERS AND TRAINING SCHOOLS. BECAUSE FEMALES MADE UP THE VAST MAJORITY OF THE STATUS OFFENDERS AND NON-OFFENDERS ADMITTED TO SECURE FACILITIES, THE DECLINE IN FEMALE ADMISSIONS PROVIDES ADDITIONAL DOCUMENTATION FOR WHAT HAS BEEN ACHIEVED. NOW, STEPS MUST BE TAKEN TO ENSURE THAT THE PROGRESS THAT HAS BEEN MADE WILL NOT BE REVERSED.

2. WHILE THE POLICY THRUST TO REMOVE STATUS OFFENDERS AND NON-OFFENDERS FROM SECURE INSTITUTIONS HAS PROVEN TO BE A MAJOR

SUCCESS, THE OVERALL RESULTS WITH RESPECT TO DEINSTITUTIONALIZATION HAVE BEEN FAR LESS THAN WHAT POLICY MAKERS AND REFORMERS HAD HOPED FOR. THE DECLINE IN DETENTION ADMISSION RATES FROM 1974-1979 WAS 12.3 PERCENT (529,075 ADMISSIONS IN 1974 AND 451,810 ADMISSIONS IN 1979). CONSIDERING THE FACT THAT UPWARDS OF 40 PERCENT OF ALL YOUTH DETAINED IN THE EARLY 1970'S WERE STATUS OFFENDERS AND NON-OFFENDERS, AND CONSIDERING THAT LARGE NUMBERS OF YOUTH ACCUSED OF MINOR AND PETTY OFFENSES WERE ALSO DETAINED, THE REDUCTIONS ARE, AT BEST, DISAPPOINTING.

THE RATE OF ADMISSIONS TO TRAINING SCHOOLS HAS REMAINED RELATIVELY CONSTANT THROUGHOUT THE DECADE. THERE WERE SUBSTANTIAL REDUCTIONS IN THE RATES OF FEMALE ADMISSIONS WHILE THE RATES OF MALE ADMISSIONS INCREASED. THE DECLINE IN THE RATES OF FEMALE ADMISSIONS WAS ESSENTIALLY OFFSET BY THE INCREASES FOR MALES.

ONE OF THE MAJOR PURPOSES OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT WAS TO PROVIDE STATES AND LOCALITIES WITH LEADERSHIP AND RESOURCES FOR THE DEVELOPMENT OF PROGRAMS ". . .TO DIVERT JUVENILES FROM TRADITIONAL JUVENILE JUSTICE SYSTEMS AND TO PROVIDE CRITICALLY NEEDED ALTERNATIVES TO INSTITUTIONALIZATION." IMPLICIT IN THIS POLICY WAS THE ASSUMPTION THAT THE AVAILABILITY OF ALTERNATIVES WOULD RESULT IN REDUCING INPUT INTO THE SYSTEM.

UNFORTUNATELY, WITH FEW EXCEPTIONS, THIS HAS PROVEN NOT TO BE THE CASE. DIVERSION AND ALTERNATIVE PROGRAMS HAVE MUSHROOMED WHILE DETENTION ADMISSIONS RATES DECLINED ONLY SLIGHTLY AND TRAINING SCHOOLS ADMISSION RATES NOT AT ALL.

ALSO, OUR RESEARCH FOUND A SIGNIFICANT STATISTICAL RELATIONSHIP BETWEEN ADMISSIONS RATES AND THE NUMBER OF DETENTION AND TRAINING SCHOOL BEDS PER 100,000 ELIGIBLE YOUTH. ALSO, WE FOUND THAT ADMISSIONS RATES ARE RELATIVELY UNAFFECTED BY RATES OF ARRESTS FOR SERIOUS PROPERTY AND VIOLENT JUVENILE CRIME AS WELL AS RATES OF

TEENAGE UNEMPLOYMENT. IF DETENTION AND TRAINING SCHOOL BEDS ARE BEING USED LARGELY FOR PURPOSES OTHER THAN PUBLIC SAFETY, THIS CREATES A TREMENDOUS AND UNNECESSARY EXPENSE FOR TAXPAYERS.

IN LIGHT OF THESE FINDINGS, STATES AND LOCALITIES SHOULD ADOPT AND AGGRESSIVELY PURSUE POLICIES SEEKING TO LIMIT THE USE OF DETENTION AND TRAINING SCHOOL PLACEMENTS INCLUDING, IN SOME INSTANCES, CLOSING DOWN SUCH FACILITIES.

3. THERE IS GROWING CONCERN ABOUT THE SPECIAL PROBLEMS PRESENTED BY SERIOUS PERSISTENT AND VIOLENT OFFENDERS. ONCE ADJUDICATED, THESE YOUTH ARE ALMOST INVARIABLY COMMITTED TO TRAINING SCHOOLS, UNLESS, OF COURSE, THEY ARE WAIVED TO ADULT COURTS.

WHILE THE PUBLIC MUST BE PROTECTED FROM THESE JUVENILES, I AM DEEPLY CONCERNED ABOUT THE CONDITIONS IN OUR TRAINING SCHOOLS. DURING THE 1970'S, TRAINING SCHOOL BUDGETS DID NOT KEEP PACE WITH INFLATION. IN RECENT YEARS, THE FISCAL CRISIS IN MOST STATES CAUSED EVEN FURTHER EROSION IN INSTITUTIONAL BUDGETS. THIS, COUPLED WITH THE FACT THAT MANY TRAINING SCHOOLS ARE EXPERIENCING SEVERE OVERCROWDING, IS ALARMING.

I THINK IT IS ESSENTIAL THAT WE TURN OUR ATTENTION AND SOME OF OUR RESEARCH EFFORTS TO THIS AREA. NORMALLY, WE ONLY HEAR ABOUT TRAINING SCHOOLS WHEN THERE ARE SCANDALS AND LAW SUITS. I WOULD HOPE THAT WE WOULD NOT WAIT FOR EVENTS SUCH AS THESE TO STIMULATE OUR INTEREST.

4. WHILE IT APPEARS THAT POLICIES AIMED AT REMOVING STATUS OFFENDERS AND NON-OFFENDERS FROM DETENTION CENTERS AND TRAINING SCHOOLS SEEMS TO HAVE HAD THE DESIRED IMPACT, I'M NOT SURE THAT WE CAN YET CLAIM SUCCESS. PAUL LERMAN, AS WELL AS OTHERS, HAS SUGGESTED THAT GAINS MADE IN DEINSTUTIONALIZING JUVENILES FROM THE JUSTICE SYSTEM HAVE BEEN OFFSET BY CORRESPONDING INCREASES IN THE CHILD WELFARE AND MENTAL HEALTH SYSTEMS.

IN LOOKING CAREFULLY AT THE STATE OF MINNESOTA, WE FOUND SUBSTANTIAL EVIDENCE IN SUPPORT OF LERMAN'S THESIS. IN PARTICULAR, WE FOUND LARGE NUMBERS OF YOUTH PLACED IN GROUP HOMES AND RESIDENTIAL TREATMENT CENTERS FOR THE EMOTIONALLY DISTURBED, IN IN-PATIENT PSYCHIATRIC UNITS IN PRIVATE HOSPITALS AND IN IN-PATIENT CHEMICAL DEPENDENCY PROGRAMS. MANY OF THESE YOUTH WERE STATUS OFFENDERS WHO FORMERLY WOULD HAVE BEEN INCARCERATED IN THE JUVENILE JUSTICE SYSTEM.

IN MINNESOTA, THE GROWTH OF THESE TYPES OF PLACEMENTS, THE NATURE OF THE SETTINGS, THE REASONS AND METHODS OF REFERRAL AND THE ULTIMATE IMPACT THESE PLACEMENTS HAVE RAISE SIGNIFICANT POLICY QUESTIONS. WE HAVE CONCLUDED THAT A "HIDDEN" OR PRIVATE JUVENILE CONTROL OR CORRECTIONAL SYSTEM HAS EVOLVED FOR DISRUPTIVE OR "ACTING OUT" YOUTH WHO ARE NO LONGER PROCESSED BY PUBLIC JUVENILE JUSTICE AGENCIES.

THERE IS REASON TO BELIEVE THAT THIS "HIDDEN" SYSTEM EXISTS IN VARYING DEGREES IN OTHER STATES. THE NATURE AND DIMENSIONS OF THIS SECOND SYSTEM SHOULD BE A MAJOR COMPONENT OF RESEARCH AGENDAS AT THE STATE AND FEDERAL LEVELS.

AGAIN, MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, I WANT TO THANK YOU FOR INVITING ME TO TESTIFY. I HOPE OUR POLICY RESEARCH FINDINGS WILL PROVE TO BE HELPFUL TO YOU IN YOUR DELIBERATIONS. HOPEFULLY, BY THE FALL OF 1983, WE WILL BE IN A POSITION TO SHARE WITH THE SUBCOMMITTEE THE RESULTS OF THE 1982 CHILDREN IN CUSTODY CENSUS. THIS WILL ALLOW US TO EXAMINE WHAT CHANGES HAVE TAKEN PLACE SINCE 1979.

MR. CHAIRMAN, I WOULD BE HAPPY TO RESPOND TO ANY QUESTIONS YOU OR ANY OF THE SUBCOMMITTEE MEMBERS MIGHT HAVE.

Senator SPECTER. Thank you very much, Mr. Schwartz. I very much appreciate your testimony.

Mr. Sherman, welcome. I understand you are the National Executive Director of Camp Fire, Inc., Kansas City, Mo.

Mr. SHERMAN. Correct.

Senator SPECTER. We welcome you here and look forward to your testimony.

STATEMENT OF ARNOLD SHERMAN

Mr. SHERMAN. Thank you, Mr. Chairman.

I am here today to obviously urge and support the passage of S. 520. I think it is critical for the continued successful deinstitutionalization of status children.

As Mr. Schwartz and others have alluded to earlier, it is clear that the efforts to date have been overstated in terms of victories over status offenders. There is still unacceptably high numbers of children that——

Senator SPECTER. You are talking about status children now?

Mr. SHERMAN. Status children, yes. I have learned that. I should keep to that definition as you have stated it.

Senator SPECTER. If you were dealing with a Senator who believes that power should be left with the States, what is the most powerful argument you could give him to say that there ought to be a Federal law which orders States not to have status children in custody?

Mr. SHERMAN. The most powerful argument has been the historical thwarting and undermining the changes necessary in order to accomplish the deinstitutionalization of status children by local court systems, and by local juvenile justice officials.

Senator SPECTER. I do not understand what you just said.

Mr. SHERMAN. I think that what we are dealing with in general is a political issue, and I think the only way that we can resolve it is with strong Federal leadership and legislation. We have a multibillion dollar juvenile justice system of which status offenders are the bumper crop.

Senator SPECTER. Why should status children not be in custody?

Mr. SHERMAN. Because the court system has historically failed in their ability to serve those kids effectively. We had a study in Chicago when I was working in Illinois that showed that when courts helped it was only because of referral to community based youth agencies.

Senator SPECTER. Does it harm status children to be in custody?

Mr. SHERMAN. Kids who succeed——

Senator SPECTER. Does it harm status children to be in custody?

Mr. SHERMAN. Yes.

Senator SPECTER. How do you know that?

Mr. SHERMAN. Personally, based on 14 years of experience, working in the field with the kids.

Senator SPECTER. What personally do you know about harm to status children from being in custody?

Mr. SHERMAN. Their experience in detention and in institutions have been just overwhelming to them.

Senator SPECTER. What is their experience?

Mr. **Sherman**. Experiences with being exposed to other kids, and more heinous situations than they had experienced previously in their own lives.

Senator **Specter**. Other kids who are not status children?

Mr. **Sherman**. Other kids who are not status children, and just the whole message that is communicated to them about their behavior, and what they have done. When you have a kid who has run away from home, or is the victim of family disfunction, or is having problems with school, and the reaction by the community or society is to take that kid and lock him/her up, and to incarcerate him/her. What does that say to that young person about who he/she is? And what his life has been like?

Senator **Specter**. What should be done to him?

Mr. **Sherman**. There are all kinds of alternatives that exist, that are much more acceptable. As a matter of fact, when courts have been successful, again in Chicago, 86 percent of the kids who came into the court system were successfully served when referred to community-based agencies.

Senator **Specter**. So you are talking about a community-based agency. What does that mean?

Mr. **Sherman**. Programs that offer shelter, and secure safe alternatives. I do not mean secure in the sense of locked placement.

Senator **Specter**. What would be the cost if States were compelled not to institutionalize status children but to send them to some community-based facility?

Mr. **Sherman**. In Illinois, we passed a bill to basically remove kids, not only from institutions, but from court jurisdictions in most instances, Greg Coler will be talking more specifically about that later.

At the same time, a companion piece of legislation was passed——

Senator **Specter**. Do you remember my question?

Mr. **Sherman**. Yes.

Senator **Specter**. My question is, What are the costs?

Mr. **Sherman**. I am trying to get to that, Mr. Chairman. A companion piece of legislation was passed that funded, and begins to support comprehensive crisis intervention resources, at the present time, the level of funding for that is $2 million, and it has funded 30 new programs in the State. My guess is that a $5 to $8 million funding level in a State like Illinois would put the basic system in place which would provide an alternative.

Senator **Specter**. Has Illinois put that kind of a funded system into operation?

Mr. **Sherman**. They began 30 new programs in the last 18 months, and this year's budget, as last I saw, and again, Director Coler can speak to that directly, they were asking for $4 million. It is those kinds of programs, as well as a host of others, that provide kids with attention, and the kinds of services they need.

Senator **Specter**. What does Camp Fire, Inc., do, Mr. Sherman?

Mr. **Sherman**. In this area specifically?

Senator **Specter**. Well, in this area specifically, or in general.

Mr. **Sherman**. Well, in general, it is a national membership organization of over half a million young people, that provides services to assist young people in growing into healthy productive adults.

We have programs around the country that deal specifically with status offender populations.

Senator SPECTER. Status children. What do they do?

Mr. SHERMAN. For example, we have one in Tucson, Ariz., that takes young people who have been accused of committing status offenses, and trains them for a responsible leadership position working with younger children in a structured service program.

Senator SPECTER. We really ought to change the nomenclature, gentlemen, if we are ever going to change this system. Every time you talk about an offender, there is justification for detention.

Mr. SHERMAN. The program is designed to deal with status children in a way that gives them responsibility and positive support, and meaningful experience. They work as leaders with adults, in working with younger children, and we offer those kinds of experiences in other parts of the country, as well.

[The prepared statement of Mr. Sherman follows:]

PREPARED STATEMENT OF ARNOLD E. SHERMAN

On behalf of Camp Fire, I would like to thank you for the opportunity to testify before you on the Deinstitutionalization of Status Offenders and S. 520, the Dependent Children's Protection Act of 1983. However, before I speak to this issue, I would like to briefly tell you a little about Camp Fire, Inc., our experience with deinstitutionalization of status offenders, and the background for our recommendation.

Camp Fire is a not-for-profit national organization that was founded in 1910. Its purpose is to provide, through a program of informal education, opportunities for youth to realize their potential and to function effectively as caring, self-directed individuals responsible to themselves and to others; and, as an organization to seek to improve those conditions in society which affect youth.

Today, there are over 300 councils chartered by Camp Fire, serving a half-million young people in nearly 35,000 urban, rural, and suburban communities. The philosophy and values are as timely today as they were nearly a century ago, but the programs and priorities within Camp Fire have changed over the years, reflecting the changing world we live in. As social conditions have altered, Camp Fire has responded with programs designed to meet those needs.

The physical and mental health of children and youth have been priorities for Camp Fire since its inception. In fact, the national board of Camp Fire saw fit to adopt a strong statement supporting deinstitutionalization of status offenders in 1981. At this point, I would like to insert that statement into the record.

In summary, the statement of principles recommended that:

- -- status offenders should be removed from all secure facilities.
- -- status offenders should be removed from both secure and non-secure facilities which also house adult offenders.
- -- community-based programs for status offenders should be provided.
- -- deinstitutionalization of status offenders should be accompanied by funding to assure adequate alternative services.

-- special attention should be given to girls and minorities, who are over-represented in the institututionalized status offender population;

and

-- jurisdiction over status offenders should be removed from the juvenile court.

These basic principles were adopted by the national board of Camp Fire because the statistical information regarding the treatment of status offenders was alarming. In fact, it is still alarming.

-- According to the National Coalition for Jail Reform, 500,000 young people under the age of 18 end up behind bars in this nation's overcrowded adult jails and lockups each year. Many are locked up for running away or for being difficult to manage. Only 5 to 10 percent have been charged with violent crimes.

-- 25 percent are accused of status offenses, or no offense, and the majority are sent to jail to await court appearance. Yet, at the court hearing, two-thirds are released.

-- For every 100,000 young people put in jail, 12 will kill themselves. No matter what the charge, for them, jail is a death penalty.

-- Many children are held in institutions only because they are abandoned, neglected, or abused-- both physically and mentally--by their families.

It has been suggested that many of these young people are institutionalized because they have nowhere else to go. However, many organizations have provided programs which are an alternative to institutionalization. At the local level, Camp Fire councils have provided alternative programs which carry out the statement of principles adopted by our board. Just to mention two:

-- In Tucson, Arizona, the Tucson Area Council of Camp Fire has a program for status offenders and at-risk teens aged 14 - 17. The program pairs these teens with a caring adult. Together, they act as a leadership team for a club of young Camp Fire members. Meetings are weekly and are held after school in inner-city neighborhoods where juvenile delinquency is high. Teens and adults receive leadership training, and the youth are paid a stipend. The youth in the program develop a positive self-image and develop basic job skills through part-time jobs. Many of these status offenders are dropouts and change their attitude toward school through their partnership with teachers, principals, and volunteers working in the school setting. The program provides informal counseling and role model opportunities through the use of volunteers. The average cost per participant is $100.

-- In Grand Rapids, Michigan, the Keewano Council of Camp Fire has a special program which targets teenaged girls 13-17 years old who are considered status offenders and who are residing in local facilities. The girls are offered the opportunity to serve as assistant club leaders in regular Camp Fire clubs, as well as clubs for handicapped youth. These status offenders are referred by agencies, and after training, they are matched with a group leader who needs assistance. They participate in all club activities. They learn how to work with children, and they gain needed self-esteem through an experience in an authority role with a positive role model. At the end of the year, the girls receive awards and letters of reference to help in seeking employment. One assistant who works with our handicapped program had been in institutional care since age 5. She was also a drug user. She began to give up drugs every Thursday -- the day her Blue Bird club met. She is now in her second year as a volunteer and has been free of drugs for months. Her goal in life is to work with handicapped children.

In 1974, Congress, through the Juvenile Justice and Delinquency Prevention Act, mandated that status offenders be removed from juvenile detention and correctional facilities. An amendment included in the 1980 reauthorization of the JJDP Act calls for complete removal of all juveniles from adult jails and lockups by 1985. Due to Congressional leadership, many things have been accomplished. For example:

-- According to OJJDP, the number of status offenders and non-offenders in secure facilities has been reduced by approximately 83 percent over the past five years.

-- During the period 1980 to 1981, there was a 32.8 percent reduction in the number of juveniles held in regular contact with adults in jail.

Yet, over 470,000 juveniles -- many of whom are status offenders, continue to be held in jails and lockups each year.

You will hear today from Ira Schwartz of the Hubert Humphrey Institute of Public Affairs. He will describe to you the accomplishments and failures of federal deinstitutionalization efforts. His basic message will be that we have not come as far as we think we have.

We have already begun a process of retreating from Congress' initial intent of mandating improvements and reforms in services to at-risk youth. The violation of a valid court order provision has allowed arbitrary judicial rule and punitive intervention to once again supersede community-based care and to thwart development of sound service alternatives. The funding and support of youth advocacy efforts by OJJDP has been eliminated. More historically significant than all other funding initiatives of the office combined, the constructive criticism of non-productive juvenile justice policies and procedures by local groups has led to needed legislative reform in over 35 states. As I have seen from my work in Oklahoma, and as the Subcommittee already knows from its investigations of the abuse of youth in state care and of the flagrant misuse of authority and public trust by the Oklahoma Department of Human Services, these conditions must judiciously be responded to wherever it exists, if the integrity of the Juvenile Justice and Delinquency Prevention Act is to be maintained. Money alone does not insure justice for kids. The loss of this valuable reform resource has already been felt. Many of the past decades' real gains for kids and communities could quickly dissipate without continued strong and unyielding federal leadership. By declaring "victory" in the deinstitutionalization of status offenders, based on the grossest indices of change, we are overlooking:

-- increases in numbers of youth kept confined less than 24 hours;

-- increases in involuntary, secure hospitalization of kids in profit making institutions;

-- increases in relabeling status offender behavior as more serious delinquent acting out;

-- increases in youth adjudicated and confined in institutuions while the rate of serious youth crime decreases.

This is not a healthy picture of a juvenile justice system, or any signal to applaud our victories. We continue to reward detention instead of attention for troubled youth. While the Act has been an impetus for change, that change has not fully taken root, as some would lead us to believe.

Ironically, this administration believes that the major statutory requirements of the Juvenile Justice and Delinquency Prevention Act have been substantially satisfied. Therefore, it has proposed the elimination of OJJDP.

Although there has been substantial progress in the deinstitutionalization of status offenders and non-offenders, and although some states have been found in full compliance with this provision of the Act, there is still much to be accomplished. Approximately 50,000 status and non-offenders are held in secure detention facilities each year. If federal support for the Juvenile Justice and Delinquency Prevention Act is eliminated, monitoring requirements to assure deinstitutionalization would cease, and the incidence of incarceration of non-criminal youth could rise dramatically. Even if states continued these deinstitutionalization efforts, the majority of states participating in the Act are experiencing massive budget cuts that would assure the shut-down of most alternative programs, especially those initiated since the adoption of the Act.

In Illinois, where I worked before coming to Camp Fire, we managed to pass state legislation that removed from the jurisdiction of the juvenile court all minors who engage in non-criminal misbehavior as long as the misbehavior could be modified by police station adjustments, crisis intervention services, or alternative voluntary residential placement. The passage of this legislation was an important step forward in Illinois in working with troubled youth. Proper implementation of S.B. 623, coupled with the simultaneous passage of S.B. 1500, which created a system for state funding of community planning and local agency service delivery, should offer Illinois youth faster access to needed services and should free up the courts to deal with more serious juvenile offenders.

Already there are efforts under way to undermine these reforms. The elimination of OJJDP would send a strong signal to Illinois, and to other states, that the federal initiative means nothing, and would send a signal that it is no longer a priority for this nation to remove our youth from institutions so that we can treat them in a more humane and rehabilitative manner. Obviously, I do not believe that we should should send that kind of signal to the states.

S. 520 would send a strong signal of a much different sort. Your bill, Mr. Chairman, would require that all non-criminal juveniles be removed from secure detention. I believe that this is a vitally needed piece of legislation. It would strengthen the efforts already begun by the deinstitutionalization efforts under the Act.

As you pointed out in your floor statement, participation in the JJDP Act mandate is voluntary, and some states have chosen not to participate. Your bill would make deinstitutionalization apply to all states. This is a significant step forward, and I applaud your efforts. However, we should view your bill as a compliment to the Juvenile Justice and Delinquency Prevention Act and support the reauthorization of that Act.

I would even go one step further. If you support the idea that the institutionalization of status offenders or non-offenders is a violation of the constitutional rights of these young people, you should be willing to withhold federal funds, such as Justice Assistance Act funds, unless states provide assurances that:

1) Juveniles who are charged with, or who have committed, offenses that would not be criminal if committed by an adult or non-offenders, such as dependent or neglected children, shall not be placed in secure detention facilities or in secure correctional facilities;

2) Juveniles alleged to be, or found to be, delinquent and youth who are charged with, or who have committed, offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

3) No juvenile shall be detained or confined in any jail or lockup for adults except for the temporary detention in such adult facilities of juveniles accused of serious crimes against persons where no existing acceptable alternative placement in available; and,

4) An adequate system of monitoring jails, detention facilities, and

correctional facilities is in place to insure that the above mentioned assurances are met.

I believe that states should not receive federal funds while at the same time they are undermining the constitutional rights of young people. I would be happy to work with the Subcommittee in the specific language of any recommendation, and Camp Fire stands ready to work to ensure passage of this badly needed piece of legislation.

Senator SPECTER. Mr. Sherman, that is very helpful. I am sorry that we have to move on so fast, but we do.

Mr. Schwartz, you did not testify specifically in favor of the legislation to prohibit status children from being detained, but I take it you are in favor of it?

Mr. SCHWARTZ. Very much so, Mr. Chairman.

Senator SPECTER. And I take it that both of you gentlemen are in favor of the legislation to prohibit juvenile offenders from being commingled with adult offenders?

Mr. SHERMAN. Absolutely.

Senator SPECTER. Do you agree, Mr. Schwartz?

Mr. SCHWARTZ. I do.

Senator SPECTER. To the extent that you both can supplement your testimony with specifics on status children who have been injured by virtue of their being in detention, either personally or as a result of association with other juvenile criminals, it would be very helpful. To the extent that you could supplement your testimony with specifics on juvenile offenders who have been injured by being commingled with adult offenders, it would also be very helpful.

This is a very tough case to make, because of the States rights issue and the cost factors. And it will be made only if we are very persuasive in dealing with specific factual information which is so compelling that the Congress cannot ignore it.

Mr. SCHWARTZ. I think also, Mr. Chairman, I could provide some examples of jurisdictions that have completely eliminated the detention and jailing of status offenders, period. And some of the benefits of that.

Senator SPECTER. If you can show that there is a correlation between eliminating the detention of status children and a lower crime rate, that would be very useful.

Thank you very much, gentlemen.

I would like to call now on Gregory Coler, Mr. Frederick Nader, and Ms. Carole Verostek.

Welcome, Mr. Coler. I understand that you are the director of the Illinois Department of Children and Family Services.

I very much appreciate your being here.

Thank you for submitting your testimony. It will be made a part of the record in full. To the extent that you can summarize it, leaving the maximum amount of time for questions and answers, we would be most appreciative.

STATEMENTS OF A PANEL CONSISTING OF GREGORY L. COLER, DIRECTOR, ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES, SPRINGFIELD, ILL.; FREDERICK P. NADER, PRESIDENT, BIRCHAVEN ENTERPRISES, INC., GREENLAND, N.H.; AND CAROLE J. VEROSTEK, COMMUNITY ORGANIZER/EDUCATOR, WESTERN WYOMING JUVENILE JUSTICE PROJECT, ROCK SPRINGS, WYO.

Mr. **Coler**. Thank you, Mr. Chairman.

Basically I believe what your staff asked me to talk about here today is what Illinois has done to implement a whole new system of dealing with troubled youth. They passed two major new pieces of rather sweeping legislation last year that Governor Thompson signed into effect. One locks into law the administrative approach to dealing with troubled youth, and it provides an opportunity for us through State grants to community-based agencies to provide services to troubled youth.

The other law eliminated our minors in need of supervision category, which existed for some 16 years, and took the truancy out of the control of the courts. Now troubled children in Illinois have to receive at least 21 days of service before they can be petitioned to court, under a new category we call minors requiring authoritative intervention.

Senator **Specter**. What is the definition of a troubled child?

Mr. **Coler**. A child who has run away, a child who is abused or neglected, a child who is beyond the control of his parents, the standard definitions that have been used for status offenders.

Senator **Specter**. Does Illinois law now prohibit detention?

Mr. **Coler**. It does.

Senator **Specter**. And how do you handle these children? Where do you put them?

Mr. **Coler**. One of the things that we buy from our community-based agencies with the State grant-in-aid are emergency beds.

Senator **Specter**. Is it working?

Mr. **Coler**. Well, in the first 5 months since the law went into effect, we decreased the number of emergency beds that were required by some 60 percent in Cook County, and we decreased the number of kids adjudicated in court by 90 percent. In other words, we have unclogged the courts of all of these, what we considered, in our State, as a matter of policy, to be very unnecessary cases that were going under their attention. And what does a judge do? He is looking for some service, and if there is no service delivery system, the court has merely wasted its time, and perhaps had a very negative effect on the youngster and family who went before the judge assuming that there was going to be some help.

So what we have done is to develop and put money behind a commitment that there has to be a system of emergency intervention services before you go to court seeking the authority of the court to get involved in dealing with very chaotic family situations.

Senator **Specter**. In what way does the court get involved with a troubled youth who is a neglected child?

Mr. **Coler**. Well, if the child is neglected, then the court would be petitioned, if our department wanted to take custody of that child, or if we wanted to——

Senator SPECTER. And if the child is a runaway, how does the court get involved?

Mr. COLER. The court would not be involved, not at least for a period of 3 weeks, in which intervention services would be provided, both to the family and the youngster. What we have seen is that if you provide services on the front end when they have a chance of being most effective, you do not need to go to court.

The situation can be rectified.

Senator SPECTER. You may proceed, Mr. Coler.

Mr. COLER. The Department is also responsible, of course, for administering the Juvenile Justice and Delinquency Prevention Act. One of the things that our reorganization bill did was consolidate all the funding for youth services in our department so that we could have a coherent, continuum of services, and not a lot of scattered authority, so that agencies could be arguing about who is responsible for troubled youths. Our agency is responsible, and responsible statutorily, and we are held accountable for that.

In terms of our compliance with deinstitutionalization, Illinois has been below the 5.6 youth per hundred thousand for the past 2 years, and we hope to improve on that. We complied 100 percent with the jail and lockup separation. However, we still have a total of some 500 youth a year who are held in adult facilities, fewer than half of whom are charged with serious crimes. Detention of these juveniles is both an urban and a rural problem. It is most prevalent, however, in our downstate counties where the juveniles held are charged with only minor delinquencies.

To identify these problems, my staff are reviewing detention of juveniles statewide, and that is going to be followed up by onsite assessment in the 8 to 10 counties and municipalities who are holding significant numbers of youth.

I would like to conclude by expressing strong support for your bill, S. 520, which seeks to protect dependent and troubled youth from institutional abuse. Secure detention is not necessary for noncriminal juveniles. In fact, as you have been saying all day, I do not think the term noncriminal is even appropriate, it is sort of like labeling high school girls as nonpregnant.

I think our experience in Illinois shows——

Senator SPECTER. As nonpregnant?

Mr. COLER. Yes. I think that our experience in Illinois shows that reasonable, prudent, humane, and compassionate care is usually sufficient to achieve a turnaround—or at least a benign coexistence with—status offenders, runaways and youth who have come to be labeled as incorrigible or ungovernable. That is not to say that we should view these youth through rose-colored glasses and downplay the community problems that they present. But they are our troubled youth, and we just cannot afford to throw them on the community ash heap. We certainly intend to do just the opposite in our State through statutes, through appropriations.

Senator SPECTER. Mr. Coler, you have been in this field for how long—since 1979?

Mr. COLER. I have been in the field of your work since 1963.

Senator SPECTER. Is that when you graduated? Did you not graduate from the University of Minnesota——

Mr. COLER. That is right.

Senator **Specter**. 1963?

Mr. **Coler**. And I worked my way through college as a youth worker.

Senator **Specter**. You would have been 19 at the time. Have you found—you are not a lawyer?

Mr. **Coler**. I am not.

Senator **Specter**. Have you found the absence of a law degree any problem?

Mr. **Coler**. No, I think some people in Government should not be lawyers.

Senator **Specter**. I was about to say that. It is nice to see a nonlawyer. [Applause.]

Applause is permitted on very limited subjects like that. It is nice to see a nonlawyer in the professional field. Many of us have not had your opportunities.

All right, Mr. Nader, president of the Birchaven Enterprises, Inc., in Greenland, N.H., we welcome you.

Thank you for joining us today, and your testimony will be made a part of the record. To the extent that you can summarize it, we would very much appreciate it.

[The prepared statement of Mr. Coler and additional material follow:]

PREPARED STATEMENT OF GREGORY L. COLER

Thank you, Mr. Chairman, and members of the committee. I appreciate the opportunity to provide testimony on issues so critical to the welfare of the youth of our country.

My name is Gregory L. Coler. I am Director of the Illinois Department of Children and Family Services. DCFS has an annual budget of about $200 million and some 23-hundred employees in 80 offices throughout Illinois. We conduct child abuse and neglect investigations and offer family counseling, homemaker, day care, placement in foster care and institutions, licensing, and other child welfare services in addition to our youth services. Our program is state-administered, and the Department is one of the few child welfare agencies in the nation which has cabinet status. I believe the close administrative relationship which I have with Governor James Thompson is a major reason why we have been able to achieve such major reforms in the youth services system in Illinois during the past few years.

When I arrived in Illinois four and a half years ago, there was no unity — no focus at all — in youth services, particularly at the state level. There was a broad, though incomplete range of services for teenagers. But the problem was that these programs were administered by an almost equal number of agencies and divisions, each of which stacked their youth services up against other priorities. No public agency ever stepped forward and declared, "We are here to serve runaways, status offenders, and troubled teenagers." In the past, my agency would merely say it didn't have adequate programs for a particularly troubled adolescent—and would take a pass. The mental health agency would say the youth wasn't sick enough for its services. And the corrections department had its hands full operating prisons and training schools for convicted felons and had few community diversion programs.

The result of this lack of coordination and frontline service was that many youth received no significant help at all until they went into foster care or a child welfare or correctional institution. It was a personal and societal tragedy. The governor and I decided that something must be done — swiftly.

In looking for a remedy to this ill, we reviewed successful youth programs in Illinois and other states. Over and over in these programs, we saw a common element of success —

when a community stepped forward and took the lead in coordinating services to its youth, the program worked. When the police, courts, commissions and agencies came together and showed their true compassion for these kids, then the youth had a much better chance of making it in society.

Early in 1982 we began pumping new money into our effort. We awarded $2 million to some 30 communities for networks that came up with innovative, cooperative plans for serving teenagers — especially to divert them from the child welfare or juvenile justice systems.

Grass roots support and local control are the key element of our grants program. Community people plan the services. Community people coordinate the services. And community people deliver the services. The state's role involves funding, standard setting, and monitoring — the kinds of activities that most people agree are government functions.

Currently, with some community help, we're funding comprehensive youth services in some 38 Illinois communities or areas. The Governor's support for our grant program is clear — even as Illinois emerges from a painful recession and considers major tax increases, the youth grant program is slated for a 45 percent increase.

We want to make sure, however, that our reforms stand the test of time. Being political realists, we know that administrations and priorities change. Bureaucrats come and bureaucrats go. Agency philosophies and structures change almost as swiftly as its personnel. But the law itself does not change so easily . . . so youth services supporters last year backed legislation which locks our new programs into law. And in September, Governor Thompson signed into law two of the most sweeping pieces of youth services reform legislation ever offered in our state. Because both Democratic and Republican leaders were included in the early dialogue — through a special privately funded study group on children and family policy — the bills moved through our General Assembly like a well-oiled machine.

Senate Bill 1500 passed the Senate 55 - 0 and the House 160 - 1. (We're still trying to find out who that one fellow was.) But certainly this shows the consensus we developed on the need for substantive reform.

Essentially, Senate Bill 1500 locked into law the mission and approach of our Division of Youth and Community Services, which had been created by earlier executive action. The new law calls for 10-member regional youth planning committees. It authorizes a system of local boards and local service systems consistent with our community-based focus. It also gave us legislative authorization for grants-in-aid and formula grants to communities.

Senate Bill 623, which took effect last January, limits juvenile court jurisdiction for status offenders. It provides alternatives for dealing with disruptive youth without recourse to the authority of the juvenile court or public foster care. It provides "cooling off" time and breathing space for parents and youth who just can't seem to live together without periodic upheavals. Yet it authorizes crisis intervention and shelter care for those kids who desperately need a roof over their heads while professionals help them sort out their problems.

To implement both new laws, we drew heavily on the talents and services of a newly created "Youth Services Roundable." It included representatives from the police, courts, schools, social service agencies, mental health boards, and citizens groups.

The results we have achieved from these new laws and approaches is virtually phenomenal. In Cook County (Chicago) during comparable five month periods in 1982 and 1983, placements of youth outside their own homes went from 713 to 293 — a 59 percent reduction. Juvenile court petitions filed against these youth have dropped from 908 to 53 during the comparable periods — a drop of 94 percent. And court adjudications are down some 87 percent. A unique twist is that there has even been a nine percent reduction in the number of referrals for crisis intervention. The professionals attribute this to the fact that the explicit procedures spelled out by Senate Bill 623 have permitted police to achieve reunification of some youths with their families without assistance of social service agencies.

Administering Illinois' juvenile justice system in great part means administering the federal Juvenile Justice and Delinquency Prevention Act. This function was formerly handled by the Illinois Law Enforcement Commission. It involves the reviewing, awarding, and monitoring of some $2.1 million a year in federal juvenile justice funds. This work will be done under the oversight of a new Illinois Juvenile Justice Commission. Created by Senate Bill 1500, the commission has 25 members appointed by the Governor.

The Commission and DCFS have four primary objectives in the juvenile justice area: Deinstitutionalization, Separation, Removal, and Serious Offender Programming.

A condition of federal funding is that Illinois hold fewer than 5.8 youth per 100,000 in lock-ups, jails and detention centers for status offenses. Such deinstitutionalization was also mandated by Illinois Senate Bill 346 in 1980. We have complied with that mandate all three years since then. In fact, we have held fewer than 5.0 youth per 100,000 the past two years. We fully intend to improve on that record through our increased availability of crisis services.

Separation is also mandated by law. That means delinquent youths detained in jails and lock-ups be held "sight and sound seperate" from adults. Our monitoring device for this is an annual inspection by the Bureau of Detention Standards of the Illinois Department of Corrections. Last year, 100 percent of the state's jails and lock-ups were in compliance.

We have successfully deinstitutionalized status offenders and are keeping delinquents separate, when possible, from adults. But total removal of delinquents from adult jails and lock-ups is our goal and mandate. At this time, some 500 youth a year are held in adult facilities — fewer than half of whom have been charged with serious crimes.

Detention of these juveniles is both an urban and rural problem. It is most prevalent, however, in downstate counties where the juveniles held are charged with only minor delinquencies. To identify problem sites, my staff are reviewing detention of juveniles statewide. This will be followed up by on-site assessment in the eight to 10 counties and municipalities which are holding significant numbers of youths.

Staff will work to develop community-based alternatives to detention for the less serious delinquents and more intensive programs for the more serious property offenders. Other alternatives, including transporting juveniles to nearby detention centers, are also being considered.

We are placing high priority this year and next on meeting the removal mandate. Planned services include specialized foster homes for delinquent youth, restitution programs, screening units, and a mix of services using the case manager approach. This emphasis on developing needed resources is imperative. If we merely lock kids up, we are locking them away from the services which will help them and — as a result — their communities.

We are taking the community-based approach to serious offender programs as well, allocating 30 percent of our local action dollars for programs directed toward such youth. In

Chicago, we are currently working with the police, the state's attorney, courts, and probation departments to get a pilot project off the ground. Our target population is youth on the southeast side of Chicago who have committed burglaries. Our approach will be two-pronged:

One is to speed up the court processing of these youth. There must be less time between the criminal act and the point of accountability. A main reason a time gap exists now is that continuances are frequently granted because one of the parties to a case is missing. One alternative we are considering to correct these delays is getting the court to sit in the district police station courtrooms. Another is to have the time for court set later in the day. When we fund this Chicago project, as we hope to do this summer, we will include funds to help the appropriate court address these issues.

Our second "prong" is to draw on community-based services as soon in the process as possible. We hope to do this through the dual referral process — when the court is petitioned concerning a serious offender, we want the youth referred to a comprehensive community-based youth services program also. That way, we can work with him at an earlier stage, in a more intensive manner, and before he commits more criminal acts.

Some of the services we hope our Chicago project will provide are outreach, counseling, and employment help. A similar project in a downstate county emphasizes restitution. When possible, offending youth will be placed in public service jobs until they have made restitution for their offense. And when this is not possible, project staff will work for actual cash payment by the offender.

So we are making substantial progress in all service areas mandated by the Juvenile Justice and Delinquency Prevention Act: deinstitutionalization, separation, removal, and serious offender programming. There is yet another category of youth, however, that we are concerned with and whose problems we are trying to address. These are the kids whose criminal behavior persists, whether there is help or not, and who are adjudicated at least twice for felonies. The next stop for such youth is usually a correctional facility. For these youth, we have UDIS — the Unified Delinquency Intervention Services.

Although the legislature has had some difficulty making up its mind about the cost effectiveness of this program since it was begun 10 years ago, the General Assembly re-funded the service and it was revived last October. Since then, the service population has climbed to 150 youth — about two-thirds from the Chicago inner city. Some 28 agencies are providing advocacy services with emphasis on re-entry to school or job funding. Thirty youth are getting additional aids, such as G.E.D. preparation and pre-employment training with job placement as the goal.

One last program I want to mention today, though criminal behavior on the youth's part is not an absolute condition of referral, is the Governor's Youth Services Initiative. This program began four years ago. Though housed at DCFS, it also involves the Departments of Corrections and Mental Health and the State Board of Education. Its purpose is to help those youth who formerly slipped between the cracks of agency services. It began in Chicago and has since expanded to more than half the state.

Referrals to the Initiative are made by the court. When a youth with multiple problems comes to us, our mandate is to serve as brokers for services to that youth. It's a no-decline program, which means when a youth is referred — be he schizophrenic, suicidal or even homicidal — we have to find him help, whether it takes one agency or 10. The Youth Services Initiative currently serves about 170 children.

I'd like to conclude by expressing strong support for Senator Specter's bill — S. 520 — which seeks to protect dependent and troubled youth from institutional abuse. Secure detention is not needed for non-criminal juveniles. In fact, I don't even like the term non-criminal — it's sort of like labeling high school girls as non-pregnant.

Our experience in Illinois shows that reasonable, prudent, humane, and compassionate care is usually sufficient to achieve a turnaround of — or at least a benign co-existence with — status offenders, runaways, and youth who we have come to label as incorrigible or ungovernable. That's not to say that we should view these youth through rose-colored glasses and downplay the community problems they present. But they are our kids — and we can't just throw them on the community ash-heap. Instead, we've got to have the programs in place that demonstrate that community and parental responsibility can work in a high percentage of cases.

As Lisa Richette said in her book, The Throwaway Children:

"The problems of America's young people are deep-seated and tough-hided, encrusted by decades of neglect. Yet, America's young people — delinquent and law-abiding — are precious, exciting, brimming with human potential. A civilization that deserves to endure cherishes its young. A society that rigidly and shortsightedly relegates millions of children to jails and institutions may find that it has lost more than a small percentage of its citizens. It may be that it has also thrown away its claim to moral leadership in a troubled world."

Thank you very much.

Issue Paper

Illinois
Integrated and Community-Based
Youth Service Initiative

Introduction

The passage of Senate Bills 623 and 1500 by the Illinois General Assembly in June of 1982, has signaled the beginning of a new system of responsibility and accountability for services to troubled adolescents. No longer will adolescents with behavior problems need to be labeled by the Juvenile Court as "minors in need of supervision (MINS)" and still not find appropriate help in the State social service system. In its place, a system is created by which community agencies are given the incentive and flexibility to treat children and families in a way that will both prevent such misbehavior and divert troubled youth from the court and the expensive, and often ineffective, State system.

Historical Overview

Throughout the 1970's in Illinois, efforts have been made to shift State priorities to recognize the need to serve troubled children before they create serious problems for their communities, families and themselves. The Commission on Children, in a January, 1981 report following three years of study on services to emotionally disturbed children, stated that "the State of Illinois has no master plan for coordinating services to children and adolescents, including those who are emotionally disturbed."

In response to various long-standing court cases against the State, Governor James R. Thompson established an inter-agency Governor's Youth Services Initiative under the leadership of his office to better coordinate State services for the most seriously disturbed multi-problem adolescents who formerly "fell through the cracks" of State agency mandates.

Governor Thompson realized the inherent problems in the current systems of youth service and issued a policy statement in April of 1980, on the need for restructuring the youth service system in Illinois. The Governor appointed a Special Task Force on Services to Troubled Adolescents to study alternative service delivery models.

The Special Task Force reported in January of 1981 with principles for State services to troubled adolescents and specific recommendations for action. Basically, "local entities" should carry the authority and responsibility for planning and provision of services. "This local orientation to youth services should encourage a flexible local response to the needs of different communities, and should encourage the development of innovative local resources."

Specifically, the major structural recommendation reads as follows:

> "Recommendation 1:
>
> We recommend that the primary responsibility for the provision of services to adolescents in Illinois rests with a local entity, with the State's responsibility being to provide direction and support."

The Special Task Force also studied the current intake system for troubled adolescents and made the following recommendation:

> "Recommendation 3:
>
> We recommend that juvenile court jurisdiction over MINS be limited to placing a youth outside his home and to ordering medical treatment for a youth who is in need of and refusing such treatment.

> We further recommend that a youth should not be placed until all other alternatives available in his community have been exhausted. The decision of a court to place a youth should only be considered after the exhaustion or attempted use of less restrictive community resources including: crisis intervention; counseling; psychiatric, psychological or other medical care; welfare, legal, education or other social services which may be appropriate to meet the needs of the adolescent and his family."

Four months later, the Legislative Advisory Committee on Public Aid issued a report on youth services. The Committee collected data from twenty counties which represented a cross section of Illinois' population. The Committee found that "an overlapping and duplication of youth services is partially caused by overlapping mandates compounded by the lack of precise guidelines in 'labeling' symptoms of youth." As the primary conclusion of this report, the Committee stated that the "small, locally based agency is best able to deliver youth services. Rather than deliver services, the State should be an 'enabler' by providing initiative, planning and other support services."

During this same time period, the Illinois Department of Children and Family Services was working cooperatively with the Illinois Youth Service Bureau Association and the Illinois Collaboration on Youth to develop its FY 81 Illinois Human Service Plan. The plan called for the consolidation of youth services into an integrated and comprehensive community-based approach.

Finally, the Youth Network Council of Chicago developed a "White Paper" which analyzed the problems inherent in both the community and state youth services system.

Issues

The many youth service reorganization studies demonstrated a remarkable level of consensus on the problems inherent in the current system.

Five of these major issues are discussed in detail below.

A. Access Issues

State agencies have specific mandates to serve specific categories of youths for specific problems or symptoms. Historically, adjudication or police arrest and court petition or victimization (i.e., adolescent abuse) has been required to gain access to state services. No uniform system existed to ensure that youth who can be served in their own communities without court processing were provided with those services. The only assured route of obtaining needed services was through adjudication or court petition. In this situation, the availability of community services is the key factor in the decision that determines whether the youth is petitioned to the court or not. For example, if mental health services are unavailable or difficult to access, an emotionally disturbed youth may be petitioned as neglected and remanded to DCFS for services.

When court petition and/or adjudication are prerequisites for access to services, more youth are likely to be petitioned and adjudicated in order to get access services. The University of Chicago's preliminary "Evaluation of the Illinois Status Offender Services Project", funded by ILEC (1979), demonstrates that the presence of the project in Cook County contributed to increased contact by status offenders with the police and court: referrals for screening increased by 6.2 percent, arrests by 16.6 percent, and the number of "detainable" status offenders by 5.4 percent.

B. Service Duplication

The mandates of agencies serving troubled youth have historically overlapped, resulting in a particular population of youth being served by several agencies. This was especially true of the MINS population.

A major consequence of duplication of services is the lack of clear policy for serving troubled youths. Moreover, there is no consistency regarding the kind and duration of services provided. In some communities emphasis may be placed on diverting youth from the juvenile justice and child welfare system and encouraging them to participate in youth development programs. Other communities may shun these approaches in favor of the simpler, but costlier, placement option. This lack of coordination between the state and communities results in social inequities and/or increased costs to the state.

C. Service Gaps

The categorical mandates of State agencies not only created access problems, but have also resulted in service gaps. The Governor's Youth Service Initiative was established to bridge the gaps between DCFS, DMH-DD, DOC and Illinois State Board of Education in order to serve multi-problem youth requiring services from more than one of these agencies.

However, at the community level, no coordinated service system has existed for troubled youth. Programs vary vastly, and they exist largely by patching together various pieces of categorical funding. Since the behavior of at-risk youths is comparable to the behavior of youths who enter and are served by state systems, the availability of services at the community level often determines whether or not troubled youths are petitioned to court. The result is differential handling of youths, differential access to services, and differential service standards.

The existence of service gaps means that youths with complex, interrelated problems cannot be assured of accessing continuum-of-care services. For example, the Commission on Children's recently published report on emotionally disturbed children (January, 1981) indicates that the "common experience ... is that is it extremely difficult to obtain mental health services for minors". Further, it notes that "no priority (has been given) to children's services in grant-in-aid clinics. These clinics operate differently from one place to another and services for minors are unevenly developed throughout the state" (p. 16).

D. Categorical Funding Issues

Categorical funding for community youth services for youths makes it difficult to encourage the development of comprehensive, continuum of care programs for troubled youths. Cooperative state-community planning and coordinated service provisions also are hampered. Because funding of services through categorical programs requires intake into the state service system through court petition, adjudication or victimization, it may serve to:

- Increase the numbers of youth petitioned and adjudicated in order to access services;
- Force a categorical label on a youth with complex personal, family, and community problems;
- Exclude youth who do not meet categorical specifications.

E. Impact on the DCFS Child Welfare System

Duplications and gaps in the system of delivery of services to troubled youth foster the use of out-of-home placement services. There have been few state programs, and no uniform state-wide policy, for serving troubled youths in their own communities. This lack of placement alternatives made it difficult to divert youth from placement. There are few programs, for example, providing supportive and/or treatment services to parents who "throw away" their adolescent children or refuse to take them home if they run away. Thus, the child welfare system often is called upon to provide residential care for runaways and emotionally disturbed youths. These youths can be served within their communities, provided a range of services are available.

The state's child welfare system is ill-equipped to serve MINS-type youths and emotionally disturbed youths. Nearly half (49.5 percent) of all DCFS' MINS cases which have been placed have had four or more living arrangement placements since entering the child welfare system. A higher percentage of MINS (50.6 percent) are served in substitute care than the percentage of total adolescents (43.5 percent), and nearly two-thirds (65 percent) of DCFS' MINS cases in substitute care are served in group homes or institutions. In contrast, only 38 percent of all adolescents in substitute care are in group homes or institutions.

Youths with emotional and behavioral problems also tend to monopolize worker time with constant crises. For example, the need to arrange for new placements on short notice when foster parents are ill-equipped to deal with the youth requires immediate caseworker attention.

Executive Order #1 (1981)

Governor Thompson issued Executive Order #1 (1981) on April 1, 1981 consolidating categorical youth programs under the Department of Children and Family Services (DCFS). The Executive Order was later defeated, in part because the alternative service system was not proposed in accompanying legislation. Although consolidation, without a clear statement of the new system for youth service delivery, was misunderstood, the Executive Order was still only defeated on the final day for such action by one vote in the Illinois Senate. Clearly, there was widespread understanding that action was needed.

Termination of the Illinois Commission on Delinquency Prevention

Within one month of the defeat of Executive Order #1, the General Assembly adjourned without funding the ICDP. The Governor's Office recognized this as an opportunity to begin the proposed consolidation of youth services. Using funds from the Illinois Law Enforcement Commission, the community programs of the ICDP were restored in the Department of Children and Family Services while 57 of the 86 state employees of ICDP were not rehired on the state payroll.

Creation of the Division of Youth and Community Services

On October 15, 1981, DCFS consolidated the former ICDP programs with several of its own youth service programs in a new Division of Youth and Community Services.

Senate Bill 1500

Immediately following the defeat of Executive Order #1, youth service leaders from throughout the State met as a "Youth Roundtable" to map out a new strategy. The result was introduced on March 30, 1982 as Senate Bill 1500. In contrast to the previous Executive Order, this Bill proposed a new State supervised/community controlled initiative for Illinois along with the consolidation of State categorical funding.

Senate Bill 1500 made the following changes in the law which had created the State Department of Children and Family Services:

1. Sec. 17 establishes a Division of Youth and Community Services, within DCFS, to develop a statewide program for more comprehensive and integrated community-based youth services in Illinois. The need for a system of prevention, diversion and treatment services is established in seven goal statements. The Division's direct role is limited to research, standard-setting, monitoring, technical assistance and grant administration to local boards, local service systems and local voluntary organizations working to prevent juvenile delinquency.

2. Sec. 17a-1 establishes regional youth planning committees in the eight DCFS regions, with ten members appointed by the Director. The committees are mandated to assess needs; prepare, for Department approval, an annual youth services plan; and review and make recommendations on all local grant applications. Membership is to be broadly representative of community perspectives, with no member having a direct financial interest in any Department funded program.

3. Sec. 17a-2 requires the Department to develop regulations covering service areas and local boards or local service systems. This provision places the administratively designed "request for proposal" (RFP) system into law. Based upon DCFS guidelines, local boards or agencies may develop a service network and bid for recognition in a proposed service area. The Department will assist in local services system development and may provide, within available resources, for services where no recognized board or system exists.

4. Sec. 17a-3 establishes the process for local boards and local services systems to prepare annual plans and budgets and submit them to regional youth planning committees. Basic elements of the plan will demonstrate community needs assessment, case management, accountability, staff development, consultation and assurance of the availability of community services, diversion services and emergency services.

5. Sec. 17a-4 authorizes a State grant-in-aid system for funding community-based youth services systems. The Department retains discretion as to the allocation of grant funds until the appropriation reaches $5 million. Once $5 million is available for "comprehensive community-based service to youth", 20% of the appropriation may remain discretionary for new program development and innovation, and at least 80% of the appropriation will be distributed to local boards or local services systems based upon a formula allocation developed by the Department through the rules process. The formula will be based upon population of youth under 18 years of age and other weighted demographic variables. Unobligated funds could be reallocated by the Department rather than lapse. Finally, a 10% local financial or in-kind commitment to youth services is required.

6. Sec. 17a-5 through Sec. 17a-8 transfers to DCFS various federal requirements associated with the juvenile justice functions within the Illinois Law Enforcement Commission. These include (a) designation as the official State Planning Agency for Illinois under the federal "Juvenile Justice and Delinquency Prevention Act of 1974"; (b) various research and clearinghouse functions; (c) grant management for OJJDP funds and (d) transfer of staff and records.

7. Sec. 17a-9 adds new language to the Illinois statutes for establishing a supervisory board for federal juvenile justice funds as required by federal law and directive. The Illinois Juvenile Justice Commission will consist of 25 members appointed by the Governor. The Commission will develop, review and approve the State Plan for juvenile justice programming. The Commission will also review and approve or disapprove federal grant applications, author an annual report to the Governor and General Assembly and function as the advisory committee to the Division of Youth and Community Services.

S.B. 623

A companion bill, Senate Bill 623, provides an alternative legal process for dealing with truants, runaways and youth who are beyond the control of their parents in circumstances which constitute a substantial or immediate danger to the minor's physical safety. The "MINS" label is removed from the "Juvenile Court Act." The Juvenile Court retains jurisdiction over these youth only after 21 days have elapsed; family reunification services have failed; and no voluntary placement agreement can be reached. This legislation, along with Senate Bill 1500, diverts MINS youth from the court and Department, and clearly places the service responsibility on community-based agencies and away from DCFS.

The changes to the "Juvenile Court Act" in Senate Bill 623 are:

1. The new categories of "addicted" and "requiring authoritative intervention" replace "otherwise in need of supervision" in the "Juvenile Court Act" and "Act Creating the Department . . .".

2. Legal custodianship is permitted by the Department when a minor, taken into limited custody, is referred to a DCFS funded community-based youth service provider.

3. The "Juvenile Court Act" is further limited (Sec. 1-19) to eliminate jurisdiction over status offenders "until efforts and procedures to address and resolve such actions by a law enforcement officer during a period of limited custody, by crisis intervention services under Section 3-3.1, and by alternative voluntary residential placement or other disposition as provided by Section 3-9 have been exhausted without correcting such actions."

4. Provides the following legal definitions for addicted minors and minors requiring authoritative intervention.

   "Sec. 2-3. Minor Requiring Authoritative Intervention. Those requiring authoritative intervention include any minor under 18 years of age (1) who is (a) a chronic or habitual truant as defined in Section 26-2a of the School Code, or (b) absent from home without consent of parent, guardian or custodian, or (c) beyond the control of his or her parent, guardian or custodian, in circumstances which constitute a substantial or immediate danger to the minor's physical safety; and (2) who after 21 days from the date the minor is taken into limited custody, in each instance, and having been offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement."

   "Sec. 2-3.1. Addicted Minor. Those who are addicted include any minor who is an addict as defined in the Dangerous Drug Abuse Act."

5. Eliminates the MINS definition.

6. Provides a detailed process for law enforcement officers to take limited custody of a minor who exhibits the same behavior as described above in Sec. 2-3(1). Included as due process are notification of parents and arrangement of transportation home or to an agency for services. Limited custody may last only six hours in a non-secure facility.

7. Provides a detailed process for interim crisis intervention services by an agency or association. Included as due process are investigation and explanation of the circumstances to the minor, informing parents of the situation, arrangement of transportation home, provision of services and/or a temporary living arrangement. Such out-of-home care may last 21 days without a voluntary placement agreement.

8. Authorizes long term "alternative voluntary residential placement" if the minor and parents agree to such an arrangement.

9. If the parent refuses to allow a minor home and does not agree with the minor to a voluntary alternative placement, a neglect petition is filed in the Juvenile Court.

10. If the minor refuses to go home and cannot agree with his or her parents to a voluntary alternative placement, a petition is filed "asking the court to make a determination regarding alternative residential placement or such other disposition as is in the best interest of the minor." After 21 days and no voluntary agreement, a petition may be filed under the new "requiring authorization invervention" category in the Juvenile Court.

The attached chart is a graphic portrayal of the system in the two bills. Senate Bill 1500 is effective immediately upon signing into law and Senate Bill 623 is effective January 1, 1983.

Unified Delinquency Intervention Services

During the FY 83 budget process, the Department of Corrections eliminated UDIS from the DOC budget. During the legislative process, money for the UDIS community programs was restored in the DCFS budget, while 27 of the 31 UDIS state employees were eliminated.

Division of Youth and Community Services Programs

A. Goals

The program administered by the Division of Youth and Community Services collectively have four major goals:

- To consolidate state level programs.
- To develop an integrated and comprehensive community-based intervention system to divert youth from the juvenile justice and child welfare systems through family preservation and reunification services.
- To develop a system of inter-agency resources for multi-problem youth in order to ensure that multi-problem youth obtain access to necessary services, including a stable living situation, have a complete treatment plan, and achieve a permanent living situation.
- To organize community-based, state operated and inter-agency youth services into a continuum of care.

B. The Programs

1. Community-Based Programs

- Illinois Status Offenders Services (ISOS). Formerly administered by the Illinois Commission on Delinquency Prevention (ICDP) as an alternative to detention for status offenders, this program provides short-term crisis intervention, advocacy, short-term foster care and crisis intervention services for alleged minors in need of supervision (MINS) through contracts. Follow-up services to status offenders are provided by purchase of service contracts, under the Title XX Donated Funds Initiative (DFI). The program is designed to preserve families intact and to reunify youth with their families. As comprehensive programs are developed, ISOS serves as the front-end crisis intervention component.
- Community Services. This program combines two programs formerly administered by ICDP: the Community Services program and the Community Services Grant-in-Aid program. The consolidated program is designed to support local programs for preventing juvenile delinquency. Projects in the Community Services Program must be broadly representative of the community and involve local residents. Programs may be geared to developing and delivering specific services, such as crisis intervention and family counseling, or they may focus on neighborhood development and action projects. In all cases, programs utilize indigenous volunteers as a key mechanism for service delivery and neighborhood improvement.
- Youth Employment and Training. This program, formerly operated as a demonstration project funded through the Comprehensive Employment Training Act (CETA), serves two purposes. First, it provides employment assistance and training opportunities in order to link DCFS wards and youths served in community programs

with subsidized or non-subsidized employment. Second, it works with a private sector to encourage access to, or creation of, employment and training opportunities for both wards and youths served in community programs.

- Reimbursing Counties. This program reimburses counties for foster care services provided to minors who are dependent, neglected, delinquent or otherwise in need of supervision. The department desires to focus the program on status offenders in need of shelter care, delinquents in need of community placement and youth referred to the Governor's Youth Services Initiative.

- UDIS. Unified Delinquency Intervention Services provides advocacy, employment opportunities, specialized training, counseling and stress challenge experiences to adjudicated delinquents as an alternative to incarceration.

- Comprehensive Community-Based Services to Youth. This program integrates categorical youth services programs on a local level and into a more comprehensive community-based youth service system. Aspects of the program include:

a. Role of the State

Responsibilities of the state include:

- Approval of local service plans.
- Community development activities to build local service systems.
- Development of state-wide plans and program standards for services to youth.
- Monitoring of community-based service systems.
- Administration of grant programs and monies.
- Training/technical assistance to local providers.

b. Role of Community-Based Service Systems

Responsibilities of communities include:

- Assessing community needs and developing a comprehensive community plan for meeting them.
- Provision of comprehensive services for troubled youth.
- Establishing coordination of police, courts, and service providers.

c. Optimal Community-Based Service System

The community-based service systems emphasize diversion of youth from the courts and child welfare system and the development of clearly defined integrated services characterized by a continuum of care. Service programs provide:

Family treatment
Mental Health treatment
Employment assistance
Educational assistance
24-hour crisis intervention/
  emergency placement capacity

Advocacy and counseling
Poly-drug/alcohol education
Volunteer service opportunities
Service brokerage
Resource development
Outreach.

2. Inter-Agency Programs for Multi-Problem Youth

- Tri-Agency Program. The Tri-Agency Program at the Illinois State Psychiatric Institute (ISPI) is a collaborative program of the Departments of Mental Health/Developmental Disabilities, Corrections, and Children and Family Services to provide psychiatric hospitalization and treatment services for multi-problem youth.

- Governor's Youth Services Initiative (GYSI). The GYSI operates with the authority of the Governor's Office in order to ensure that multi-problem youth before the juvenile courts in the Cook, Peoria, Champaign and East St. Louis areas receive necessary services from the Departments of Mental Health/Developmental Disabilities, Corrections, Children and Family Services, and the Illinois State Board of Education. The GYSI receives management support from the Division of Youth and Community Services.

3. State Juvenile Justice Services

The Juvenile Justice Section of the Division implements the mandates of the Federal Juvenile Justice and Delinquency Prevention Act. Goals include:

- Deinstitutionalization: Receive from the Office of Juvenile Justice and Delinquency Prevention a determination that Illinois has achieved "full compliance with de minimus exceptions".

- Separation: Achieve sight and sound separation of adults and juveniles in all municipal and county jails in Illinois.

- Removal: Prepare plan to effect removal of delinquents being held in county and municipal jails.

- Juvenile Monitoring Information System: Provide a mechanism for measuring progress toward deinstitutionalization, separation and removal.

- Serious Offender: Develop and implement at least one program response to the serious offender population by November, 1982.

- Community Education and Training: Develop and implement training and community education projects which are designed to expand knowledge and improve the functioning of the juvenile justice system by October, 1982.

- Technical Assistance: Respond to requests for assistance which are consistent with Division goals and priorities.

C. Target Group

The Division is consolidating service programs for the following populations into more comprehensive community-based programs:

- Runaways and other status offenders for whom a return home cannot be effectuated by the police or court.

- Alleged MINS at risk of petition or adjucation, including all youth on whom a MINS petition is filed.

- MINS or status offender type cases referred by DCFS field or area offices for family reunification.

- Multi-problem youth referred by the Governor's Youth Services Initiative.

- Adjudicated MINS who are wards of DCFS for whom family reunification is the immediate permanency goal.
- MINS who have violated a court order who are referred by the court or the Department.
- Runaways and other youth exhibiting MINS-type behavior who have not yet come into contact with the juvenile justice/child welfare systems may also be included and may be served on a space available basis.
- Adjudicated delinquents who will be committed to DOC if no program is available.
- Youth who may be adjudicated neglected due to parental refusal to take custody for MINS or delinquent behavior.

Populations not included are:

- Abused and neglected adolescents.
- Severely emotionally disturbed or psychotic adolescents in need of hospitalization or residential treatment.
- Violent offenders in need of incarceration to protect the public.

D. Results

Creation of the Division of Youth and Community Services, the consolidation of state level programs and the development of the first comprehensive community-based programs have lead to the following results:

1. State Level Consolidation

The consolidation of state level programs has lead to increased integration of services at the local level and a reduction in state employees and has created the potential for a stronger continuum of care.

A few examples of service integration include:

- Formerly, ICDP programs were forbidden from accepting DCFS MINS wards for services. These community programs are now required to be linked to DCFS field offices and to provide family preservation, diversion and family reunification services to clients involved with the child welfare system.
- A majority of Governor's Youth Services Initiative youth are delinquent. Formerly, no GYSI clients were assisted by UDIS resources. Now UDIS resources are directly available to GYSI clients who would otherwise be incarcerated.
- Formerly, ISOS programs existed with few or no follow-up treatment services beyond 10 days crisis intervention. Through the Comprehensive programs, ISOS is becoming the crisis intervention component of a more comprehensive network of local services.
- Formerly, Tri-Agency Program gave no priority to severe multi-problem GYSI youth. On an experimental basis, these youth are now the priority.

Consolidation of state programs has also lead to a significant decrease in state headcount.

	Pre-Consolidation	Post-Consolidation
ICDP	86	0
UDIS/DOC	31	0
ILEC (Juvenile Justice)	10	0
DCFS	7	41
	134	41 * (25 GRF)

This is a decrease of 69.4%.

2. Continuum of Care

Consolidation of many youth service programs in DCFS has made the creation of a more carefully rationalized continuum of care viable.

Components include:

- Comprehensive Community-Based Youth Services

  The creation of a statewide system of CCBYS programs per the "local board" concept of S.B. 1500 will ensure that no troubled adolescent will penetrate state services unless it can be clearly demonstrated that local services have failed or that local services are inadequate to protect the public or the youth.

- Protection for Abused Adolescents

  The protection of sexually, physically and otherwise abused adolescents will continue to be ensured by the CPS system. All local programs are mandated reporters in the event.

  In addition, local programs will lessen the load of CPS units by providing crisis intervention in family conflict cases in which parents are attempting to refuse custody. These "neglect" cases as well as MINS have historically been the royal road to institutional care in the child welfare system.

- Family Preservation/Family Reunification for Wards

  Comprehensive local programs are closely linked to field offices and as such divert cases from the field office at the front-end through family preservation services and provide family reunification services for wards returning from care.

- Inter-Agency Services for Multi-Problem Youth

  The Governor's Youth Services Initiative provides case by case inter-agency coordination to ensure that multi-problem (abused, mentally ill, behaviorally disordered, developmentally disabled, delinquents, etc.) youth receive an individualized treatment plan.

  In reality, this tedious and often conflictual process is becoming solely paid for by DCFS despite a Consent Decree requiring inter-agency cooperation. (See Results below.)

  Comprehensive local programs are required to be linked to the GYSI for family reunification purposes.

  Local, state and inter-agency programs therefore are being integrated into a continuum of care for youth.

  The major gap which remains is services for psychotic and severely emotionally disturbed children.

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* 16 paid by categorical federal funds.

The state has not developed a mental health system for youth too mentally ill to be served in community programs but ineligible for mental hospitalization under the strict mental health code.

Many of these youth are adjudicated neglected as parents protest that they cannot care for them and enter the child welfare system for institional care.

Others are referred to GYSI where 76% of purchased care is paid for by DCFS.

3. Development of More Integrated and Comprehensive Community-Based Youth Service System to Divert Youth from the Juvenile Justice and Child Welfare Systems through Family Preservation and Reunification

During FY 82, 20 initial comprehensive programs were funded which integrate all local services. Eleven more are being funded in FY 83. Many factors affect the indicators below and the first programs are only several months old. Nonetheless, there are many indicators of positive results.

Examples include:

- Trend Line: MINS Child Cases in DCFS

  6/30/81 - 1056
  9/30/81 - 1026
  12/31/81 - 1003
  3/31/82 - 968
  6/30/82 - 970
  8/31/82 - 726

  31% decrease in 14 months.

- Trend Line: Child Cases Ages 12-21

  6/30/81 - 12,772
  9/30/81 - 12,400
  12/31/81 - 12,052
  3/31/82 - 11,729
  6/30/82 - 11,448
  8/31/82 - 11,221

  12% decrease in 14 months.

- Days of Care Paid for MINS Child Cases

  June, 1981 - 13,518
  June, 1982 - 12,279

  11% decrease in 12 months.

- Comprehensive Demonstration Project in Freeport Results Indicate Following:

  - Decrease in Court Petitions: 33 1/3%
  - Decrease in Court Adjudications: 50%
  - Decrease in Placements: 55%

4. Responsiveness of Community Programs

- Emergency Response Within Time Standard (45 Minutes Downstate, 75 Minutes in Cook)

Region	Response Compliance
Rockford	100%
Peoria	89.5%
Aurora	93.1%
Cook	88.2%
Springfield	87.5%
Champaign	84.6%
E. St. Louis	94.1%

- Percent of Youth Entering Child Welfare System After Community Services

Region	Percent
Rockford	3.3%
Peoria	0
Aurora	4.8%
Cook	2.7%
Springfield	1.1%
Champaign	.9%
E. St. Louis	8.3%

5. Inter-Agency Services - Governor's Youth Services Initiative

Governor's Youth Services Initiative Program

Fiscal Year 1982 Statistical Report

Number of Referrals by Region

Region	Number of Youth	Percentage
Cook	96	48.98
Champaign	30	15.31
Peoria	14	7.14
East St. Louis	56	28.57
TOTAL	196	100.00%

Age

ion	Age Categories 0-10	11-12	13-14	15-16	17	Over 17	Total
k	0	7	21	49	13	6	96
paign	0	0	1	11	8	10	30
ia	0	0	2	3	0	9	14
St. Louis	0	1	4	36	11	4	56
AL	0	8	28	99	32	29	196
ENT	0	4.08	14.29	50.51	16.33	14.79	100.00

C. Presenting Problems

Regions	Mental Illness**	Mental Retardation	Educational Handicaps	Delinquency	MINS	Abuse Neglect	Total Caseload
Cook - Total*	41	22	57	28	37	27	64
Percentage Cook	64%	34%	89%	44%	58%	42%	
Champaign	28	6	18	28	11	9	30
Peoria	13	4	9	8	1	7	14
East St. Louis	40	3	27	31	29	2	56
Downstate - Total*	81	13	54	67	41	18	100
Percentage Downstate	81%	13%	54%	67%	41%	18%	

* Cook is for active cases as of 6/30/82. Downstate is for all cases active in FY82.

** Includes emotional disturbance.

D. Second Half of Fiscal Year 1982 Purchase of Care Costs

Region	Responsible Funding Agency Costs						
	Court	DCFS	DOC	ISBE	DMH/DD	GYSI/Other	Total
Cook	0	$414,225.93	0	$ 86,278.50	$42,443.56	$14,794.94	$557,742.93
Champaign	$3,719.06	40,433.43	$11,739.66	0	0	0	55,892.15
Peoria	0	62,761.76	0	0	0	0	62,761.76
East St. Louis	35.00	73,553.43	814.52	18,874.51	0	0	93,277.46
State Total	$3,754.06	$590,974.55	$12,554.18	$105,153.01	$42,443.56	$14,794.94	$769,674.30
Percent	0.49	76.78	1.63	13.66	5.52	1.92	100.00

E. Second Half of Fiscal Year 1982: Total Days of Care Provided (Including In-Home Care)

	Responsible Agency - Days of Care Provided							
Region	Court	DCFS	DOC	ISBE	DMH/DD	Tri-Agency	Other*	Total
Cook	435	7,467	1,759	3,157	2,151	66	3,173	18,208
Champaign	231	1,137	2,080	181	569	0	708	4,906
Peoria	0	1,157	131	0	367	0	502	2,157
East St. Louis	558	2,066	897	231	295	0	4,055	8,102
State Total	1,224	11,827	4,867	3,569	3,382	66	8,438	33,373
Percent	3.67	35.44	14.58	10.69	10.14	0.20	25.28	100.00

* Includes parents, GYSI, relatives, community programs, etc.

F. State Agency Percentages Only - Total Days of Care Provided

Agency	Days of Care	Percent
DCFS	11,827	50.02
DOC	4,867	20.58
ISBE	3,569	15.10
DMH/DD	3,382	14.30
TOTAL	23,645	100.00

From the above, it is obvious that DCFS is paying for about 77% of GYSI P.O.S. costs (nearly 79% if GYSI appropriation line dollars are added).

Therefore, the concept of inter-agency care for multi-problem youth is being overwhelmingly financed by the child welfare system.

In spite of this, the dominant presenting problems of the youth are:

- Mental Illness - 81%
- Delinquency - 67%
- Educational Handicaps - 54%

Only 18% are abused/neglected.

FY 84 Initiatives

During FY 84, DCFS intends to achieve the following:

1. Fully Implement S.B. 1500 and S.B. 623 by Establishing Comprehensive Community-Based Programs in All Areas of the State

   - Development of Rules and Procedures for S.B. 1500/S.B. 623 including defining:

     - Local Boards
     - Local service area designation
     - Funding formula
     - Appeal process
     - Local and Regional planning specifications
     - Limited custody
     - Crisis intervention services.

   - Development of Training Package.

   - Define System in 102 Counties through competitive RFP process based on Rules and Procedures.

   - Organize and manage Illinois Juvenile Justice Council and Regional Planning Group.

2. Support the Development of a Continuum of Care for Mentally Ill Youth Who are Too Disturbed for Community Settings but Ineligible for Hospitalization

   - See Mental Health component of child welfare initiative.

   - Expansion of the Tri-Agency Program from 15 beds to 30 beds.

3. Achieve Agreement as to an Equitable Policy for Financing the GYSI

   Options:

   - Transfer money from each "partner" to DCFS.

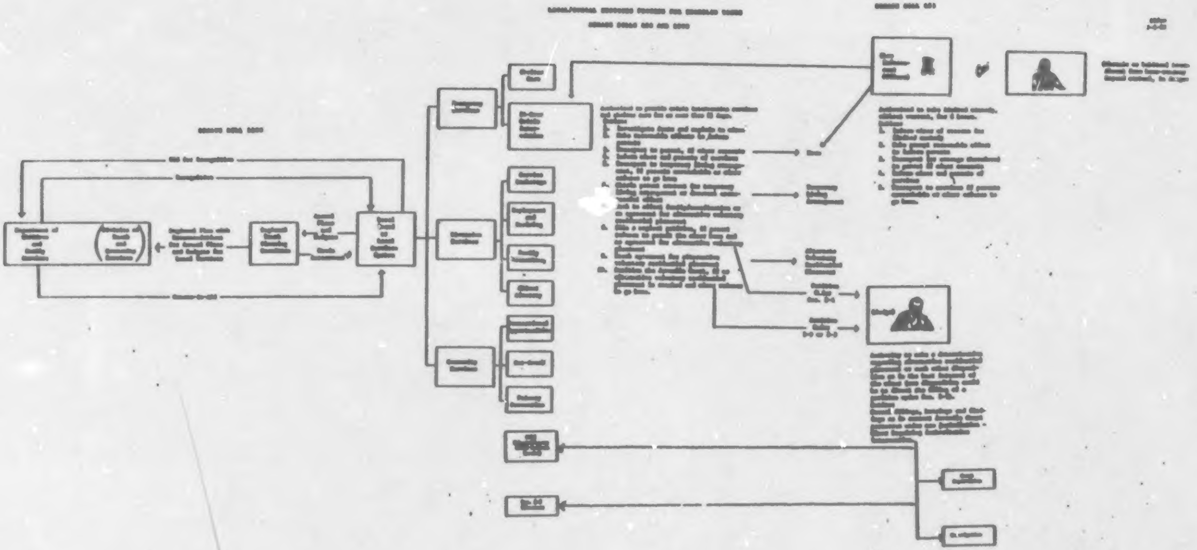
   - Have each "partner" establish an appropriation line for GYSI.

4. Refine the Administrative Support System for Youth Service Programs

   - Inclusion in CYCIS for tracking.

   - Computerization of payments.

   - Development of complete crisis intervention, family preservation, family reunification training curriculum.



BEST COPY AVAILABLE

AN ACT to transfer juvenile justice and delinquency prevention services from the Illinois Law Enforcement Commission to the Department of Children and Family Services and to provide for a system of more comprehensive and integrated community-based youth services systems in Illinois.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Sections 17, 17a-1, 17a-2, 17a-3, 17a-4, 17a-5, 17a-6, 17a-7, 17a-8, and 17a-9 are added to "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named", approved June 4, 1963, as amended, the added Sections to read as follows:

(Ch. 23, new par. 5017)

Sec. 17. The Department shall establish a Division of Youth and Community Services to develop a State program for adolescent services which will assure that youths who come into contact or may come into contact with the child welfare and the juvenile justice systems will have access to needed prevention, diversion or treatment resources.

(a) The goals of the Division shall be to:

(1) maintain children and youths in their own community;

(2) eliminate unnecessary categorical funding of programs by funding more comprehensive and integrated programs;

(3) encourage local volunteers and voluntary associations in developing programs aimed at preventing and controlling juvenile delinquency;

(4) address voids in services and close service gaps;

(5) develop program models aimed at strengthening the relationships between adolescents and their families;

(6) contain costs by redirecting funding to more

comprehensive and integrated community-based services; and

(7) coordinate education, employment, training and other programs for youths with other State agencies.

(b) The duties of the Division shall be to:

(1) design models for service delivery by local communities;

(2) test alternative systems for delivering youth services;

(3) develop standards necessary to achieve and maintain, on a statewide basis, more comprehensive and integrated community-based youth services;

(4) monitor and provide technical assistance to local boards and local service systems; and

(5) assist local organizations in developing programs which address the problems of youths and their families through direct services, advocacy with institutions, and improvement of local conditions.

(Ch. 23, new par. 5017a-1)

Sec. 17a-1. (a) The Department shall establish regional youth planning committees within each region of the Department, and covering every county within the State, responsible for planning and coordination of youth services. The Director shall appoint the members of the regional youth planning committees, including the chairpersons. Each committee shall be composed of 10 members having residency within the region and shall be broadly representative of the varied geographic interests. Of the initial appointees, 3 shall serve a one-year term, 3 shall serve a 2-year term, and 4 shall serve a 3-year term. Thereafter, each successor shall serve a 3-year term. Vacancies shall be filled in the same manner as original appointments. Once appointed, members shall serve until their successors are appointed and qualified. Membership shall reflect a broad representation of community interests and perspectives including local government, law enforcement, education and training, juvenile justice, mental health, human services and youth. No member shall have a direct financial interest in any Department funded program.

(b) The regional youth planning committees shall have the following powers and duties:

(1) To assess the needs and problems of youth in their regions, and to prepare for submission to the Department, for approval, an annual plan based on that assessment, for the coordination and improvement of services for youth. The Department shall consider such recommendations in preparing its annual statewide plan.

(2) To review and comment on all grant applications to the Department from youth service programs applying for grant funds authorized under subparagraph (3) of paragraph (b) of Section 17a-4 of this Act. The Department shall consider such recommendations before deciding whether to award or deny such applications.

(Ch. 23, new par. 5017a-2)

Sec. 17a-2. The Department shall promulgate regulations for the establishment, recognition and annual renewal of service areas and local boards or local service systems responsible for the development or coordination of more comprehensive and integrated community-based youth services. Any entity formed in conformity with the regulations of the Department desiring recognition as a local board or local service system for a service area may apply to the Department for such recognition. The Department may refuse to renew or may withdraw recognition of a service area, local board or local service system if such area, board or system substantially fails to comply with the regulations and minimum service requirements promulgated by the Department under this Section. The Department shall assist in the organization and establishment of local service systems and may provide for community youth services in any area of the State where no recognized local board or local services system exists.

(Ch. 23, new par. 5017a-3)

Sec. 17a-3. Each local board or local service system shall, in conformity with regulations of the Department, prepare an annual community youth service plan and annual budget to implement the community youth service plan. Such plans shall be transmitted to the regional youth planning committees and included in a regional youth service plan. Each plan shall demonstrate, at a minimum, the following components of a youth service system: (a) community needs assessment and resource development; (b) case management (including case review, tracking, service evaluation and networking); (c) accountability; (d) staff development; (e) consultation with and technical assistance for providers; and (f) assurance of the availability of the following: (i) community services, including primary prevention, outreach and recreational opportunities, and the use of indigenous community volunteers to provide programs designed to correct conditions contributing to delinquency; (ii) diversion services, including client advocacy, family counseling, employment and educational assistance and service brokerage; and (iii) emergency services, including 24-hours crisis intervention and shelter care.

(Ch. 23, new par. 5017a-4)

Sec. 17a-4. (a) The Department may make grants for the purpose of planning, establishing, operating, coordinating and evaluating programs aimed at reducing or eliminating the involvement of youth in the child welfare or juvenile justice systems.

(b) The Department shall allocate funds appropriated and available for the purpose of making grants for more comprehensive and integrated community-based youth services. When the appropriation for "comprehensive community-based service to youth" is equal to or exceeds $5,000,000, the Department shall allocate the total amount of such appropriated funds in the following manner:

(1) No more than 20% of the grant funds appropriated shall be awarded by the Department for new program development and innovation;

(2) Not less than 80% of grant funds appropriated shall be allocated to community-based youth services programs based upon population of youth under 18 years of age and other demographic variables defined by the Department by rule, which may include weighting for service priorities relating to special needs identified in the annual plans of the regional youth planning committees established under this Act;

(3) If any amount so allocated under subsection (3) of this Section remains unobligated such funds shall be reallocated in a manner equitable and consistent with the purpose of paragraph (3) of subsection (b) of this Section; and

(4) The local boards or local service systems shall certify prior to receipt of grant funds from the Department that a 10% local public or private financial or in-kind commitment is allocated to supplement the State grant.

(Ch. 23, new par. 5017a-5)

Sec. 17a-5. The Department shall be successor to the Illinois Law Enforcement Commission in the functions of that Commission relating to juvenile justice and the federal Juvenile Justice and Delinquency Prevention Act of 1974 as amended, and shall have the powers, duties and functions specified in this Section relating to juvenile justice and the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(1) Definitions. As used in this Section:

(a) "juvenile justice system" means all activities by public or private agencies or persons pertaining to the handling of youth involved or having contact with the police, courts or corrections;

(b) "unit of general local government" means any county, municipality or other general purpose political subdivision of this State;

(c) "Committee" means the Illinois Juvenile Justice Committee provided for in Section 17a-9 of this Act.

(2) Powers and Duties of Department. The Department shall serve as the official State Planning Agency for juvenile justice for the State of Illinois and in that capacity is authorized and empowered to discharge any and all responsibilities imposed on such bodies by the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended, specifically the deinstitutionalization of status offenders, separation of juveniles and adults in municipal and county jails, removal of juveniles from county and municipal jails and monitoring of compliance with these mandates. In furtherance thereof, the Department has the powers and duties set forth in paragraphs 3 through 15 of this Section:

(3) To develop annual comprehensive plans based on analysis of juvenile crime problems and juvenile justice and delinquency prevention needs in the State, for the improvement of juvenile justice throughout the State, such plans to be in accordance with the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended;

(4) To define, develop and correlate programs and projects relating to administration of juvenile justice for the State and units of general local government within the State or for combinations of such units for improvement in law enforcement;

(5) To advise, assist and make recommendations to the Governor as to how to achieve a more efficient and effective juvenile justice system;

(6) To act as a central repository for federal, State, regional and local research studies, plans, projects, and proposals relating to the improvement of the juvenile justice

system;

(7) To act as a clearing house for information relating to all aspects of juvenile justice system improvement;

(8) To undertake research studies to aid in accomplishing its purposes;

(9) To establish priorities for the expenditure of funds made available by the United States for the improvement of the juvenile justice system throughout the State;

(10) To apply for, receive, allocate, disburse, and account for grants of funds made available by the United States pursuant to the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended; and such other similar legislation as may be enacted from time to time in order to plan, establish, operate, coordinate, and evaluate projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system;

(11) To insure that no more than the maximum percentage of the total annual State allotment of juvenile justice funds be utilized for the administration of such funds;

(12) To provide at least 66-2/3 per centum of funds received by the State under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, are expended through:

(a) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and

(b) programs of local private agencies, to the extent such programs are consistent with the State plan;

(13) To enter into agreements with the United States government which may be required as a condition of obtaining federal funds;

(14) To enter into contracts and cooperate with units of general local government or combinations of such units, State agencies, and private organizations of all types, for the purpose of carrying out the duties of the Department imposed by this Section or by federal law or regulations;

(15) To exercise all other powers that are reasonable and necessary to fulfill its functions under applicable federal law or to further the purposes of this Section.

(Ch. 23, new par. 5017a-6)

Sec. 17a-6. (A) Personnel exercising the rights, powers and duties in the Illinois Law Enforcement Commission that are transferred to the Department of Children and Family Services are transferred to the Department of Children and Family Services. However, the rights of the employees, the State and its agencies under the Personnel Code or any collective bargaining agreement, or under any pension, retirement or annuity plan shall not be affected by the provisions of this amendatory Act.

(B) All books, records, papers, documents property (real or personal), unexpended appropriations and pending business in any way pertaining to the rights, powers and duties transferred from the Illinois Law Enforcement Commission to the Department of Children and Family Services shall be delivered and transferred to the Department of Children and Family Services.

(Ch. 23, new par. 5017a-7)

Sec. 17a-7. Units of General Local Government - Agreements for Funds. Units of general local government may apply for, receive, disburse, allocate and account for grants of funds made available by the United States government, or by the State of Illinois, particularly including grants made available pursuant to the federal Juvenile Justice and Delinquency Prevention Act of 1974, including subsequent amendments or reenactments, if any; and may enter into agreements with the Department or with the United States government which may be required as a condition of obtaining federal or State funds, or both.

(Ch. 23, new par. 5017a-8)

Sec. 17a-8. Agreements for Cooperative Action by Units of General Local Government. Any two or more units of general local government may enter into agreements with one another for joint cooperative action for the purpose of applying for, receiving, disbursing, allocating and accounting for grants of funds made available by the United States government pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, including subsequent amendments or reenactments, if any; and for any State funds made available for that purpose. Such agreements shall include the proportion and amount of funds which shall be supplied by each participating unit of general local government. Such agreements may include provisions for the designation of treasurer or comparable employee of one of the units to serve as collection and disbursement officer for all of the units in connection with a grant-funded program.

(Ch. 23, new par. 5017a-9)

Sec. 17a-9. Illinois Juvenile Justice Commission. There is hereby created the Illinois Juvenile Justice Commission which shall consist of 25 persons appointed by the Governor. The Chairperson of the Commission shall be appointed by the Governor. Of the initial appointees, 8 shall serve a one-year term, 8 shall serve a two-year term and 9 shall serve a three-year term. Thereafter, each successor shall serve a three-year term. Vacancies shall be filled in the same manner as original appointments. Once appointed, members shall serve until their successors are appointed and qualified. Members shall serve without compensation, except they shall be reimbursed for their actual expenses in the performance of their duties. The Commission shall carry out the rights, powers and duties established in subparagraph (3) of paragraph (a) of Section 223 of the Federal "Juvenile

Justice and Delinquency Prevention Act of 1974", as now or hereafter amended. The Commission shall determine the priorities for expenditure of funds made available to the State by the Federal Government pursuant to that Act. The Commission shall have the following powers and duties:

(1) Development, review and final approval of the State's juvenile justice plan for funds under the Federal "Juvenile Justice and Delinquency Prevention Act of 1974";

(2) Review and approve or disapprove juvenile justice and delinquency prevention grant applications to the Department for federal funds under that Act;

(3) Annual submission of recommendations to the Governor and the General Assembly concerning matters relative to its function;

(4) Responsibility for the review of funds allocated to Illinois under the "Juvenile Justice and Delinquency Prevention Act of 1974" to ensure compliance with all relevant federal laws and regulations; and

(5) Function as the advisory committee for the Division of Youth and Community Services as authorized under Section 17 of this Act, and in that capacity be authorized and empowered to assist and advise the Director on matters related to juvenile justice and delinquency prevention programs and services.

Section 2. Sections 1, 2, 3, 6, 6.01, 6.08, 6.10, 6.12, 8, 9, 11 and 15 of "An Act creating an Illinois Law Enforcement Commission and defining its powers and duties", approved September 20, 1977, as amended, are amended to read as follows:

(Ch. 38, par. 209-1)

Sec. 1. Purpose of Act.) The purpose of this Act is to stimulate the research and development of new methods for the prevention and reduction of crime; to encourage the preparation and adoption of comprehensive plans for the improvement and coordination of all aspects of law enforcement and criminal ~~and juvenile~~ justice; and to permit evaluation of State and local programs associated with the improvement of law enforcement and the administration of criminal ~~and juvenile~~ justice, as provided in the federal Crime Control Act of 1973, as amended, ~~and the federal Juvenile Justice and Delinquency Prevention Act of 1974,~~ including ~~their~~ subsequent amendments or reenactments, if any.

(Ch. 38, par. 209-2)

Sec. 2. Definitions.) Whenever used in this Act, and for the purposes of this Act unless the context clearly denotes otherwise:

(a) The term "criminal justice system" includes all activities by public or private agencies or persons pertaining to the prevention or reduction of crime or enforcement of the criminal law, and particularly, but without limitation, the prevention, detection, and investigation of crime; the apprehension of offenders; the protection of victims and witnesses; ~~the administration of juvenile justice;~~ the prosecution and defense of criminal cases; the trial, conviction, and sentencing of offenders; as well as the correction and rehabilitation of offenders, which includes imprisonment, probation, parole and treatment.

(b) The term "Commission" means the Illinois Law Enforcement Commission created by this Act.

(c) The term "unit of general local government" means any county, municipality or other general purpose political subdivision of this State.

(Ch. 38, par. 209-3)

Sec. 3. Illinois Law Enforcement Commission - Creation and Membership.) There is created an Illinois Law Enforcement Commission consisting of 21 members. All members shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at his pleasure for a term of not more than 4 years, with the exception of those whose membership on the Commission is mandatory under federal law. The Governor from time to time shall, with the advice and consent of the Senate, designate one of such members to serve as Chairman of the Commission. In making his appointments to the Commission, the Governor shall give due consideration to the following factors:

(a) State-local, urban-rural and geographic balance, as measured by incidence of crime; the distribution and concentration of criminal ~~and juvenile~~ justice system services; and the population of the respective areas;

(b) Criminal ~~and juvenile~~ justice system and private citizen input balance, by component and function.

(c) Any other criteria mandated by federal law.

(Ch. 38, par. 209-6)

Sec. 6. Powers and Duties of Commission.) The Commission shall serve as the official State Planning Agency for the State of Illinois and in that capacity is authorized and empowered to discharge any and all responsibilities imposed on such bodies by the federal Crime Control Act of 1973, as amended, ~~and the Juvenile Justice and Delinquency Prevention Act of 1974,~~ including ~~their~~ subsequent amendments or reenactments, if any. In furtherance thereof, the Commission has the powers and duties set forth in Sections 6.01 through 6.17.

(Ch. 38, par. 209-6.01)

Sec. 6.01. To develop annual comprehensive plans for the improvement of criminal justice ~~and juvenile justice~~ throughout the State, such plans to be in accordance with the federal Crime Control Act of 1973, as amended, ~~and the federal Juvenile Justice and Delinquency Prevention Act of 1974,~~ including ~~their~~ subsequent amendments or reenactments, if any;

(Ch. 38, par. 209-6.08)

Sec. 6.08. To apply for, receive, disburse, allocate and account for grants of funds made available by the United

States pursuant to the federal Crime Control Act of 1973, as amended, ~~and the federal Juvenile Justice and Delinquency Prevention Act of 1974,~~ including ~~their~~ subsequent amendments or reenactments, if any, and such other similar legislation as may be enacted from time to time;

(Ch. 38, par. 209-6.10)

Sec. 6.10. To establish the necessary State criminal ~~and juvenile~~ justice planning regions and provide guidance to the participating local units of government;

(Ch. 38, par. 209-6.12)

Sec. 6.12. To receive applications for financial assistance from units of general local government and combinations of such units; State agencies; and private organizations of all types, whether applying on their own behalf or on behalf of one or more of the governmental units specified above; and to disburse available federal and state funds to such applicant or applicants. All disbursals shall be made pursuant to an approved State plan for the improvement of criminal ~~or juvenile~~ justice and shall comply with all applicable State and federal laws and regulations. The Commission shall provide for distribution of funds with due regard for population and the incidence of crime within the several regions and communities of the State;

(Ch. 38, par. 209-8)

Sec. 8. Units of General Local Government - Agreements for Funds.) Units of general local government may apply for, receive, disburse, allocate and account for grants of funds made available by the United States government, or by the State of Illinois, particularly including grants made available pursuant to the federal Crime Control Act of 1973, as amended, ~~and the federal Juvenile Justice and Delinquency Prevention Act of 1974,~~ including ~~their~~ subsequent amendments or reenactments, if any; and may enter into agreements with the Commission or with the United States government which may be required as a condition of obtaining federal or State funds, or both.

(Ch. 38, par. 209-9)

Sec. 9. Agreements for Cooperative Action by Units of General Local Government.) Any two or more units of general local government may enter into agreements with one another for joint cooperative action for the purpose of applying for, receiving, disbursing, allocating and accounting for grants of funds made available by the United States government pursuant to the Crime Control Act of 1973, as amended, ~~and the Juvenile Justice and Delinquency Prevention Act of 1974,~~ including ~~those~~ subsequent amendments or reenactments, if any; and for any State funds made available for that purpose. Such agreements shall include the proportion and amount of funds which shall be supplied by each participating unit of general local government. Such agreements may include provisions for the designation of treasurer or comparable employee of one of the units to serve as collection and disbursement officer for all of the units in connection with a grant-funded program.

(Ch. 38, par. 209-11)

Sec. 11. Legislative Advisory Committee.) There shall be a Legislative Advisory Committee to the Commission. The Legislative Advisory Committee shall consist of 4 members of the House of Representatives, 2 appointed by the Speaker and 2 by the Minority Leader of the House, and 4 members of the Senate, 2 appointed by the President and 2 by the Minority Leader of the Senate. Of the 2 members appointed by each appointing authority, one shall be from the membership of a Judiciary Committee and one from the membership of an Appropriations Committee of the house from which the appointments are made. Members of the Legislative Advisory Committee shall be appointed within 90 days after the effective date of this Act and in each odd numbered year thereafter. Members shall serve for terms expiring on July 1 of each odd-numbered year. Vacancies shall be filled in the same manner as the original appointment. A vacancy occurs when a member ceases to be a member of the house from which he or she was appointed or when he or she ceases to be a member of the Judiciary or Appropriations Committee, as the case may be, of that house.

The Legislative Advisory Committee shall choose from its membership a chairman and a secretary.

The Commission shall provide members of the Legislative Advisory Committee written notice postmarked 7 days prior to each regularly scheduled meeting of the Commission. Such written notice shall include the date, time and place of meeting and a copy of the agenda. Notice of any non-regularly scheduled or emergency meeting of the Commission shall be provided to the chairman of the Legislative Advisory Committee, who may attend or designate a committee member to attend.

The Legislative Advisory Committee shall meet from time to time as may be necessary to conduct its business and may meet jointly with the Commission at least twice annually on matters pertaining to improvements in the criminal justice system, including the impact of the Commission's funding policies on that system and the potential for improving law enforcement and criminal ~~or juvenile~~ justice through legislative action.

(Ch. 38, par. 209-15)

Sec. 15. Severability.) If any provision of this Act or the application thereof to any person or circumstance is held invalid, or if by a final determination of any court of competent jurisdiction any provision of this Act is found to violate the federal Crime Control Act of 1973, ~~as amended, or the Juvenile Justice and Delinquency Prevention Act of 1974~~ as such Act ~~Acts~~ may be now or hereafter amended, the validity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 3. This Act takes effect July 1, 1982.

AN ACT to amend Section 5 of "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named", approved June 4, 1963, as amended, and to amend the title and Sections 1-4, 1-19, 2-1, 2-3, 3-3, 3-4, 3-6, 4-1, 4-8 and 5-2 of and to add Sections 2-3.1, 3-1.1, 3-3.1 and 3-9 to the "Juvenile Court Act", approved August 5, 1965, as amended.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Section 5 of "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named", approved June 4, 1963, as amended, is amended to read as follows:

(Ch. 23, par. 5005)

Sec. 5. To provide direct child welfare services when not available through other public or private child care or program facilities. For purposes of this Section:

The term "children" means persons found within the State who are under the age of 18 years. The term also includes persons under age 21 who (1) were committed to the Department pursuant to the "Juvenile Court Act", approved August 5, 1965, as amended, prior to the age of 18 and who continue under the jurisdiction of the court, or (2) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

The term "child welfare services" means public social services which are directed toward the accomplishment of the following purposes: (1) protecting and promoting the welfare of children, including homeless, dependent or neglected children; (2) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children; (3) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (4) restoring to their families children who have been removed, by the provision of services to the child and the families; (5) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (6) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years.

For the purpose of insuring effective state-wide planning, development, and utilization of resources for the day care of children, operated under various auspices, the Department is hereby designated to coordinate all day care activities for children of the State and shall:

(1) Develop on or before December 1, 197[illegible], and update every year thereafter, a state comprehensive day-care plan for submission to the Governor which identifies high-priority areas and groups, relating them to available resources, and identifying the most effective approaches to the use of existing day care services. The plan shall include methods and procedures for the development of additional day care resources for children to meet the goal of reducing short-run and long-run dependency and to provide necessary enrichment and stimulation to the education of young children. Recommendation shall be made for State policy on optimum use of private and public, local, state and federal resources, including an estimate of the resources needed for the licensing and regulation of day care facilities. A written report shall be submitted to the Governor, annually, on February 15, and shall include an evaluation of developments over the preceding fiscal year, including cost-benefit analyses of various arrangements.

Both the state comprehensive day-care plan and annual written report shall be made available to the General Assembly following the Governor's approval of the plan and report.

(2) The Department shall conduct day care planning activities within the following priorities:

(a) development of voluntary day care resources wherever possible, with the provision for grants-in-aid only where demonstrated to be useful and necessary as incentives or supports;

(b) emphasis on service to children of recipients of public assistance where such service will allow training or employment of the parent toward achieving the goal of independence;

(c) maximum employment of recipients of public assistance in day care centers and day care homes, operated in conjunction with short-term work training programs;

(d) care of children from families in stress and crises whose members potentially may become, or are in danger of becoming, non-productive and dependent;

(e) expansion of family day care facilities wherever possible;

(f) location of centers in economically depressed neighborhoods, preferably in multi-service centers with cooperation of other agencies;

(g) use of existing facilities free of charge or for reasonable rental wherever possible in lieu of construction.

(3) Based on its planning activities, the Department shall actively stimulate the development of public and private resources at the local level. It shall also seek the fullest utilization of federal funds directly or indirectly available to the Department.

(4) Where appropriate, existing non-governmental agencies or associations shall be involved in planning of the Department.

The Department shall establish rules and regulations concerning its operation of programs designed to meet the goals of child protection, family preservation, family reunification, adoption and youth development, including but not limited to adoption, foster care, family counseling, protective services, service to unwed mothers, homemaker service, return of runaway children, placement under Section 5-7 of the "Juvenile Court Act" ~~Juvenile Court Act~~ in accordance with the federal Adoption Assistance and Child Welfare Act of 1980, and interstate services. Rules and regulations for placement under Section 5-7 of the "Juvenile

Court Act" shall take effect on or before July 1, 1981.

If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized, program-oriented plan for such ward. Such a plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.

The Department may provide financial assistance, and shall establish rules and regulations concerning such assistance, to persons who adopt physically or mentally handicapped, older and other hard-to-place children who immediately prior to their adoption were legal wards of the Department. The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, but must be less than the monthly cost of care of the child in a foster home. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the Department if it were to provide or secure them as guardian of the child.

The Department shall accept for care and training any child who has been adjudicated neglected or dependent committed to it pursuant to the "Juvenile Court Act". The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated delinquent, addicted or as a minor requiring authoritative intervention ~~in need of supervision~~, under the "Juvenile Court Act", but no such child shall be committed to the Department by any court without the approval of the Department, except a minor less than 13 years of age committed to the Department under subsection (a) (4) of Section 5-2 of the Juvenile Court Act.

The Department may assume temporary custody of any child

(1) if it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent or (2) if the child is found in the State and neither a parent, guardian nor custodian of the child can be located. (3) If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to resume permanent charge of the child, or until a relative enters the home and is willing and able to assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 3-5 of the Juvenile Court Act. The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to Section 1-12 of the "Juvenile Court Act". Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the "Juvenile Court Act" of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 3-5 of the Juvenile Court Act, shall have the authority, responsibilities and duties that a legal custodian of the child would have under Section 1-12 of the Juvenile Court Act. A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary

custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the "Juvenile Court Act". If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate. The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful or unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section.

The Department may receive and shall use, in its entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

Section 2. Sections 1-4, 1-19, 2-1, 2-3, 3-3, 3-4, 3-6, 4-1, 4-8 and 5-2 of the "Juvenile Court Act", approved August 5, 1965 as amended, are amended, and Sections 2-1.1, 3-1.1, 3-3.1 and 3-9 are added thereto, the amended and added Sections to read as follows:

(Ch. 37, par. 701-4)

Sec. 1-4. Adjudicatory hearing. "Adjudicatory hearing" means a hearing to determine (a) whether the allegations of a petition under Section 4-1 that a minor under 18 years of age is addicted, requiring authoritative intervention ~~otherwise in need of supervision~~, neglected or dependent are supported by a preponderance of the evidence or whether the allegations of a petition under Section 4-1 that a minor is delinquent are proved beyond a reasonable doubt, and (b) whether a minor should be adjudged to be a ward of the court.

(Ch. 37, par. 701-19)

Sec. 1-19. Limitations of scope of Act. Nothing in this Act shall be construed to give: (a) any guardian appointed hereunder the guardianship of the estate of the minor or to change the age of minority for any purpose other than those expressly stated in this Act; or (b) any court jurisdiction, except as provided in Section 3-9, over any minor solely on the basis of the minor's (i) misbehavior which does not violate any federal or state law or municipal ordinance, (ii) refusal to obey the orders or directions of a parent, guardian or custodian, (iii) absence from home without the consent of his or her parent, guardian or custodian, or (iv) truancy, until efforts and procedures to address and resolve such actions by a law enforcement officer during a period of limited custody, by crisis intervention services under Section 3-3.1, and by alternative voluntary residential placement or other disposition as provided by Section 3-9 have been exhausted without correcting such actions.

(Ch. 37, par. 702-1)

Sec. 2-1. Jurisdictional facts. Proceedings may be instituted under the provisions of this Act concerning boys and girls who are delinquent, addicted, requiring authoritative intervention ~~otherwise in need of supervision,~~ neglected or dependent, as defined in Sections 2-2 through 2-5.

(Ch. 37, par. 702-3)

Sec. 2-3. Minor Requiring Authoritative Intervention. Those requiring authoritative intervention include any minor under 18 years of age (1) who is (a) a chronic or habitual truant as defined in Section 26-2a of The School Code, or (b) absent from home without consent of parent, guardian or custodian, or (c) beyond the control of his or her parent, guardian or custodian, in circumstances which constitute a substantial or immediate danger to the minor's physical safety; and (2) who after 21 days from the date the minor is taken into limited custody, in each instance, and having been offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement. ~~Minors otherwise in need of supervision. Those otherwise in need of supervision include (a) any minor under 18 years of age who is beyond the control of his parents, guardian or other custodian; (b) any minor subject to compulsory school attendance who is habitually truant from school; (c) any minor who is an addict, as defined in the "Drug Addiction Act"; and (d) on or after January 1, 1974, any minor who~~

~~violates a lawful court order made under this Act.~~

(Ch. 37, new par. 702-3.1)

Sec. 2-3.1. Addicted minor. Those who are addicted include any minor who is an addict as defined in the Dangerous Drug Abuse Act.

(Ch. 37, new par. 703-1.1)

Sec. 3-1.1. Taking into Limited Custody. (a) A law enforcement officer may, without a warrant, take into limited custody a minor who the law enforcement officer reasonably determines is (i) a chronic or habitual truant as defined in Section 26-2a of The School Code, (ii) absent from home without consent of the minor's parent, guardian or custodian, or (iii) in circumstances which constitute a substantial or immediate danger to the minor's physical safety.

(b) A law enforcement officer who takes a minor into limited custody shall (i) immediately inform the minor of the reasons for such limited custody, and (ii) make a prompt, reasonable effort to inform the minor's parents, guardian, or custodian that the minor has been taken into limited custody and where the minor is being kept.

(c) If the minor consents, the law enforcement officer shall make a reasonable effort to transport, arrange for the transportation of or otherwise release the minor to the parent, guardian or custodian. Upon release of a minor who is believed to need or benefit from medical, psychological, psychiatric or social services, the law enforcement officer may inform the minor and the person to whom the minor is released of the nature and location of appropriate services and shall, if requested, assist in establishing contact between the family and an agency or association providing such services.

(d) If the law enforcement officer is unable by all reasonable efforts to contact a parent, custodian, relative or other responsible person; or if the person contacted lives at an unreasonable distance; or if the minor refuses to be taken to his or her home or other appropriate residence; or if the officer is otherwise unable despite all reasonable efforts to make arrangements for the safe release of the minor taken into limited custody, the law enforcement officer shall take or make reasonable arrangements for transporting the minor to an agency or association providing crisis intervention services, or, where appropriate, to a mental health or developmental facility for screening for voluntary or involuntary admission under Section 3-500 et seq. of the Illinois Mental Health Code; provided that where no crisis intervention services exist, the minor may be transported for services to court service departments or probation departments under the court's administration.

(e) No minor shall be involuntarily subject to limited custody for more than six hours from the time of the minor's initial contact with the law enforcement officer.

(f) No minor taken into limited custody shall be placed in a jail, municipal lockup, detention center or secure correctional facility.

(g) The taking of a minor into limited custody under this Section is not an arrest nor does it constitute a police record; and the records of law enforcement officers concerning all minors taken into limited custody under this Section shall be maintained separate from the records of arrest and may not be inspected by or disclosed to the public except by order of the court.

(Ch. 37, par. 703-3)

Sec. 3-4. Shelter care. Any minor taken into limited or temporary custody pursuant to this Act who requires care away from his home but who does not require physical restriction shall be given temporary care in a foster family home or other shelter facility designated by the court. In the case of a minor alleged to be a person described in Section 2-3, the court may order, with the approval of the Department of Children and Family Services ~~Illinois Commission on~~

~~Delinquency Prevention~~, that custody of the minor be with the Department of Children and Family Services ~~Illinois Commission on Delinquency Prevention~~ for designation of temporary care as the Department ~~Commission~~ determines. No such child shall be ordered to the Department ~~Commission~~ without the approval of the Department ~~Commission~~.

(Ch. 37, new par. 703-3.1)

Sec. 3-3.1. Interim Crisis Intervention Services. (a) Any minor who is taken into limited custody, or who independently requests or is referred for assistance, may be provided crisis intervention services by an agency or association, as defined in this Act, provided the association or agency staff (i) immediately investigate the circumstances of the minor and the facts surrounding the minor being taken into custody and promptly explain these facts and circumstances to the minor, and (ii) make a reasonable effort to inform the minor's parent, guardian or custodian of the fact that the minor has been taken into custody and where the minor is being kept, and (iii) if the minor consents, make a reasonable effort to transport, arrange for the transportation of, or otherwise release the minor to the parent, guardian or custodian. Upon release of the child who is believed to need or benefit from medical, psychological, psychiatric or social services, the association or agency may inform the minor and the person to whom the minor is released of the nature and location of appropriate services and shall, if requested, assist in establishing contact between the family and other associations or agencies providing such services. If the agency or association is unable by all reasonable efforts to contact a parent, guardian or custodian, or if the person contacted lives an unreasonable distance, or if the minor refuses to be taken to his or her home or other appropriate residence, or if the agency or association is otherwise unable despite all reasonable efforts to make arrangements for the safe return of the minor, the minor may be taken to a temporary living arrangement which is in compliance with the Child Care Act of 1969 or which is with persons agreed to by the parents and the agency or association.

(b) An agency or association is authorized to permit a minor to be sheltered in a temporary living arrangement provided the agency seeks to effect the minor's return home or alternative living arrangements agreeable to the minor and the parent, guardian or custodian as soon as practicable. If the parent, guardian or custodian refuses to permit the minor to return home, and no other living arrangement agreeable to the minor and the parent, guardian, or custodian can be made, the agency shall notify the court to appoint legal counsel for the minor and file a petition under Section 2-4 of this Act. No minor shall be sheltered in a temporary living arrangement for more than 36 hours without parental consent unless the agency documents its unsuccessful efforts to contact a parent or guardian, including recording the date and time and staff involved in all telephone calls, telegrams, letters, and personal contacts to obtain the consent or authority, in which case the minor may be so sheltered for not more than 21 days.

(Ch. 37, par. 703-4)

Sec. 3-4. Investigation; release. When a minor is delivered to the court, or to the place designated by the court ~~or the Illinois Commission on Delinquency Prevention~~ under Section 3-3 of this Act, a probation officer or such other public officer designated by the court shall immediately investigate the circumstances of the minor and the facts surrounding his being taken into custody. The minor shall be immediately released to the custody of his parent, guardian, legal custodian or responsible relative, unless the probation officer or such other public officer designated by the court finds that further detention or shelter care is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another, that he is likely to flee the jurisdiction of the court or that the minor was taken into custody under a warrant.

The written authorization of such public officer designated by the court constitutes authority for the superintendent of a detention home or the person in charge of a county or municipal jail to detain and keep a minor for up to 36 hours, excluding Saturdays, Sundays and court-designated holidays.

Only when there is reasonable cause to believe that the minor taken into custody is a person described in Section 2-2 may the minor be kept or detained in a detention home or county or municipal jail. This Section shall in no way be construed to limit Section 2-8.

(Ch. 37, par. 703-6)

Sec. 3-6. Detention or shelter care hearing. At the appearance of the minor before the court at the detention or shelter care hearing, all witnesses present shall be examined before the court in relation to any matter connected with the allegations made in the petition.

(1) If the court finds that there is not probable cause to believe that the minor is a person described in Section 2-1, it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is a person described in Section 2-1, the minor, his parent, guardian, custodian and other persons able to give relevant testimony shall be examined before the court. If the court finds that it is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another that the minor be detained or placed in a shelter care facility or that he is likely to flee the jurisdiction of the court, it may prescribe detention or shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family

Services or a licensed child welfare agency, or, in the case of a minor alleged to be a person described in Section 2-3.1 ~~2-3,~~ the Department of Mental Health and Developmental Disabilities; ~~the Illinois Commission on Delinquency Prevention,~~ otherwise it shall release the minor from custody. In no event may the court prescribe detention unless the minor is alleged to be a person described in Section 2-2. If the minor is ordered placed in a shelter care facility of the Department of Children and Family Services or a licensed child welfare agency, or, in the case of a minor alleged to be a person described in Section 2-3.1 ~~2-3,~~ the Department of Mental Health and Developmental Disabilities. ~~the Illinois Commission on Delinquency Prevention,~~ the court shall, upon request of the appropriate Department~~, Commission,~~ or other agency, appoint the Department of Children and Family Services Guardianship Administrator ~~or the Commission~~ or other appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody as it deems fit and proper. The order together with the court's findings of fact in support thereof shall be entered in the records of the court.

(3) If neither the parent, guardian, legal custodian, responsible relative nor counsel of the minor has had actual notice of or is present at the detention or shelter care hearing, he may file his affidavit setting forth these facts, and the clerk shall set the matter for rehearing not later than 24 hours, excluding Sundays and legal holidays, after the filing of the affidavit. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

(4) Only when there is reasonable cause to believe that the minor taken into custody is a person described in Section 2-2 may the minor be kept or detained in a detention home or county or municipal jail. This Section shall in no way be construed to limit Section 2-8.

(Ch. 37, new par. 703-9)

Sec. 3-9. Alternative Voluntary Residential Placement. (a) A minor and his or her parent, guardian or custodian may agree to an arrangement for alternative voluntary residential placement, in compliance with the "Child Care Act of 1969", without court order. Such placement may continue as long as there is agreement.

(b) If the minor and his or her parent, guardian or custodian cannot agree to an arrangement for alternative residential placement in the first instance, or cannot agree to the continuation of such placement, and the minor refuses to return home, the minor or his or her parent, guardian or custodian, or a person properly acting at the minor's request, may file with the court a petition asking the court to make a determination regarding alternative residential placement or such other disposition as is in the best interest of the minor.

(Ch. 37, par. 704-1)

Sec. 4-1. Petition; supplemental petitions. (1) Any adult person, any agency or association by its representative may file, or the court on its own motion may direct the filing through the State's Attorney of a petition in respect of a minor under this Act. The petition and all subsequent court documents shall be entitled "In the interest of ...., a minor".

(2) The petition shall be verified but the statements may be made upon information and belief. It shall allege that the minor is delinquent, addicted, requiring authoritative intervention ~~otherwise in need of supervision~~, neglected or dependent, as the case may be, and set forth (a) facts sufficient to bring the minor under Section 2-1; (b) the name, age and residence of the minor; (c) the names and residences of his parents; (d) the name and residence of his legal guardian or the person or persons having custody or control of the minor, or of the nearest known relative if no

parent or guardian can be found; and (e) if the minor upon whose behalf the petition is brought is detained or sheltered in custody, the date on which detention or shelter care was ordered by the court or the date set for a detention or shelter care hearing. If any of the facts herein required are not known by the petitioner, the petition shall so state.

(3) The petition must allege that it is in the best interests of the minor and of the public that he be adjudged a ward of the court and may pray generally for relief available under this Act. The petition need not specify any proposed disposition following adjudication of wardship.

(4) If an order of protection under Section 5-5 is sought against any person, the petition shall so state, shall name that person as a respondent and give the address where he resides.

(5) If appointment of a guardian of the person with power to consent to adoption of the minor under Section 5-9 is sought, the petition shall so state.

(6) At any time before dismissal of the petition or before final closing and discharge under Section 5-11, one or more supplemental petitions may be filed in respect of the same minor.

(Ch. 37, par. 704-8)

Sec. 4-8. Findings and adjudication.) (1) After hearing the evidence the court shall make and note in the minutes of the proceeding a finding of whether or not the minor is a person described in Section 2-1. If it finds that the minor is not such a person or that the best interests of the minor and the public will not be served by adjudging him a ward of the court, the court shall order the petition dismissed and the minor discharged from any detention or restriction previously ordered in such proceeding.

(2) If the court finds that the minor is a person described in Section 2-1 and that it is in the best interests of the minor and the public that he be made a ward of the

court, the court shall note in its findings whether he is delinquent, addicted, requiring authoritative intervention ~~otherwise in need of supervision~~, neglected or dependent, specifying which of Sections 2-2 through 2-5 is applicable, and shall adjudge him a ward of the court and proceed at an appropriate time to a dispositional hearing.

If the court finds under Section 2-4 of this Act that the minor is neglected or under Section 2-5 of this Act that this minor is dependent the court shall then find whether such neglect or dependency is the result of physical abuse to the minor inflicted by a parent, guardian or legal custodian and such finding shall appear in the order of the court.

(Ch. 37, par. 705-2)

Sec. 5-2. Kinds of Dispositional Orders.) (1) The following kinds of orders of disposition may be made in respect of wards of the court:

(a) A minor found to be a delinquent under Section 2-2 may be (1) put on probation or conditional discharge and released to his parents, guardian or legal custodian; (2) placed in accordance with Section 5-7, with or without also being put on probation or conditional discharge; (3) where authorized under the "Drug Addiction Act", ordered admitted for treatment for drug addiction by the Department of Mental Health and Developmental Disabilities; (4) committed to the Department of Children and Family Services subject to Section 5 of "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named", except that the limitations of said Section 5 shall not apply on or after July 1, 1973 to a delinquent minor under 13 years of age; (5) committed to the Department of Corrections under Section 5-10, if he is 13 years of age or older, provided that minors less than 13 years of age may be committed to the Department of Corrections until July 1, 1973; and provided further that commitment to the Department of Corrections, Juvenile

Division, shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent; (6) placed in detention for a period not to exceed 30 days; or (7) ordered partially or completely emancipated in accordance with the provisions of the "Emancipation of Mature Minors Act", enacted by the Eighty-first General Assembly.

(b) A minor ~~under 18 years of age~~ found to be requiring authoritative intervention ~~in need of supervision~~ under Section 2-3 may be (1) committed to the Department of Children and Family Services, subject to Section 5 of "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named"~~, except that the limitations of said Section 5 shall not apply on or after January 1, 1974, to a minor so adjudicated under paragraph (d) of Section 2-3 of this Act~~; (2) placed under supervision and released to his parents, guardian or legal custodian; (3) placed in accordance with Section 5-7 with or without also being placed under supervision. Conditions of supervision may be modified or terminated by the court if it deems that the best interests of the minor and the public will be served thereby~~. A minor in need of supervision by reason of his addiction, described in paragraph (e) of Section 2-3, may be placed under the treatment supervision of the Department of Mental Health and Developmental Disabilities instead of or in addition to the disposition provided for in this paragraph~~; or (4) ordered partially or completely emancipated in accordance with the provisions of the "Emancipation of Mature Minors Act", enacted by the Eighty-first General Assembly.

(c) A minor found to be addicted under Section 2-3.1 may be (1) committed to the Department of Children and Family Services, subject to Section 5 of "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named": (2) placed under supervision and released to his parents, guardian or legal custodian; (3) placed in accordance with Section 5-7 with or without also being placed under supervision. Conditions of supervision may be modified or terminated by the court if it deems that the best interests of the minor and the public will be served thereby; (4) placed under the treatment supervision of the Department of Mental Health and Developmental Disabilities instead of or in addition to the disposition provided for in this paragraph; or (5) ordered partially or completely emancipated in accordance with the provisions of the "Emancipation of Mature Minors Act", enacted by the Eighty-first General Assembly. No disposition under this subsection shall provide for the minor's placement in a secure facility.

(d) ~~(c)~~ A minor under 18 years of age found to be neglected under Section 2-4 may be (1) continued in the custody of his parents, guardian or legal custodian, (2) placed in accordance with Section 5-7; or (3) ordered partially or completely emancipated in accordance with the provisions of the "Emancipation of Mature Minors Act", enacted by the Eighty-first General Assembly.

However, in any case in which a minor is found by the court to be neglected under Section 2-4 of this Act and the court has made a further finding under paragraph (2) of Section 4-8 that such neglect is the result of physical abuse, custody of the minor shall not be restored to any parent, guardian or legal custodian found by the court to have inflicted physical abuse on the minor until such time as a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(e) ~~(d)~~ A minor under 18 years of age found to be dependent under Section 2-5 may be (1) placed in accordance with Section 5-7; or (2) ordered partially or completely emancipated in accordance with the provisions of the "Emancipation of Mature Minors Act", enacted by the Eighty-first General Assembly.

However, in any case in which a minor is found by the court to be dependent under Section 2-5 of this Act and the court has made a further finding under paragraph (a) of Section 4-8 that such dependency is the result of physical abuse, custody of the minor shall not be restored to any parent, guardian or legal custodian found by the court to have inflicted physical abuse on the minor until such time as a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(2) Any order of disposition other than commitment to the Department of Corrections may provide for protective supervision under Section 5-4 and may include an order of protection under Section 5-5.

(3) Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-11.

(4) In addition to any other order of disposition, the court may order any minor included under paragraph (a) or paragraph (b) of subsection (1) of this Section, or any minor included under paragraph (c) thereof as neglected with respect to his own injurious behavior, to make restitution, in monetary or nonmonetary form, under the terms and conditions of Section 5-5-6 of the "Unified Code of Corrections", except that the "presentence hearing" referred to therein shall be the dispositional hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may pay some or all of such restitution on the minor's behalf.

Section 3. The title of the "Juvenile Court Act" is amended to read as follows:

An Act to provide for the protection, guidance, care, custody and guardianship of the persons of boy and girls who are delinquent, requiring authoritative intervention, addicted, neglected or dependent; to prescribe court procedure relating thereto; to provide probation, social service and psychiatric personnel therefor; to authorize counties to levy a tax in connection therewith; and to repeal an Act therein named.

Section 4. This Act takes effect January 1, 1983.

STATEMENT OF FREDERICK NADER

Mr. NADER. Thank you, Senator. I will try to do two things. First I am going to try to give you the specifics you want. Although I did not know that you wanted them, I quickly prepared a couple of them for you. Second, I want to give you my own views about your bill, which I strongly support but have two suggestions for you.

Senator SPECTER. Thank you.

Mr. NADER. As for specific cases, let me just read a couple. There is a youngster from Maryland who, at 13, was placed in a detention center for running away. The young frail fellow, was beaten at the children's center, and after 30 days was placed in a community-based shelter, where he cried himself to sleep at night, because of the abuse he suffered at the hands of delinquents. He ended up in a training school at age 15, and is now on public assistance at age 16.

In order for my son to have that experience, somebody would have to get the National Guard and go through me. If that is true for you, Senator, then everything else is a sham.

Debbie is a 14-year-old who ran away from her home in Maryland, who was locked up in an adult jail in Louisiana. On her first night in the jail she was molested sexually, not only by other inmates, but by the staff as well. After 5 nights in this jail her parents finally agreed to have her sent home.

Now, I do not know whether or not the lesson that her parents wanted this young woman to learn was learned, but I do know that this young woman has been scarred for life, and will probably be mistrustful of authority forever.

Senator SPECTER. Her parents had the option of having her returned home?

Mr. NADER. As I understand it.

Senator SPECTER. The 5 nights?

Mr. NADER. That is right. In some research that I am part of, we have found that approximately about half the youngsters appearing in court, for any reason, have a history of having been abused.

Let me give you one more example. This is the case of a runaway, who is now 16 years of age. She was sexually abused by her stepfather for 3 years, starting at age 11. Her mother admitted to having known this was going on from the beginning. And the woman, the young woman, also reports that the stepfather several times broke her fingers, and once hit her on the head with a frying pan. She ran away from that home, and she is the person who ended up in jail, Senator.

I do not know how many specifics you want. I can remember going into—I have been in a number of institutions in my life. I used to be the Acting Administrator of the Office of Juvenile Justice, when it was first created. I spent a lot of time in joints. I spent a lot of time watching kids cry. GAO, in its latest analysis of the progress we are making in deinstitutionalization points out that about a third of the States' detainees that were sampled are in there, and are being detained for status offenses, and an additional third are in there for nonserious juvenile crime.

I would recommend two changes to your bill, Senator. One, I think you ought to specify the conditions for detention. I took the time to go through the Institute for Judicial Administration, American Bar Association Standards for the Administration of Juvenile Justice, as well as the National Advisory Committee for Juvenile Justice and Delinquency Prevention Standards for the Administration of Juvenile Justice, the detention section, to generated language for your legislation. This language would make it very clear as to would types of youngsters ought to be detained.

In addition to which I suggest, toward the end of my prepared statement, that you require each State, prior to receiving any Federal dollars for physical health care, education, mental health, vocational training, leisure time activities, all of the $140 million allegedly being spent for delinquency prevention, according to testimony by this and other administrations, that prior to a State receiving a nickel of that money, it has to submit to the Office of Juvenile Justice a written clear work plan for how it is they are going to deal with the youngsters who are no longer incarcerated as a result of your legislation.

Senator **SPECTER**. Do you think it is sufficient to achieve the goal of having the States not institutionalize status children to condition the receipt of money under the Juvenile Justice and Delinquency Prevention Act?

Mr. **NADER**. No. I am talking about all the Federal programs.

Senator **SPECTER**. All Federal programs, everything?

Mr. **NADER**. Absolutely. Absolutely all Federal programs for youngsters.

Senator **SPECTER**. For youngsters?

Mr. **NADER**. Correctly. As I have experienced it in the 19 years I have been in the field, the youngsters we are talking about are a small number which whole human service industries have chosen not to work with. They only work with the youngsters with which they succeed. There is a sort of neurotic coupling between the home industries of corrections, who need to have youngsters in the joint in order to maintain their jobs, and the professionals in the community who would just as soon not have to work with that tough a population. So everybody is happy right now, in my judgment.

Senator **SPECTER**. If we were to go the route of requiring States to do these things as a precondition to receiving all these Federal funds, we would have to amend dozens of authorizing acts in this Congress. It would be a very enormous change, very difficult to accomplish. Though it is an interesting idea.

Mr. NADER. What about amending section 2 of your current S. 520, to read:

> Before any State may receive any Federal funds for programs designed for children and youth, that State must submit to the Administrator, OJJDP, its written plan for servicing with those funds all deprieved, neglected abused juveniles, and juveniles who present noncriminal and nonserious criminal misbehavior, who would no longer be institutionalized in any secure detention treatment of correctional facility.

Senator SPECTER. Well, it is a very interesting idea. Very interesting idea.

Mr. NADER. That is my best shot, Senator.

Senator SPECTER. OK.

Thank you very much. Thank you.

Ms. Verostek, we very much appreciate your being here.

Ms. VEROSTEK. Thank you for having me.

Senator SPECTER. Your statement will be made a part of the record, and to the extent that you can summarize it, we would be very appreciative.

[The prepared statement of Mr. Nader follows:]

PREPARED STATEMENT OF FREDERICK P. NADER

Mr. Chairman, members of the Senate Subcommittee on Juvenile Justice, I am pleased and honored to be here today to testify concerning State efforts to remove status offenders from secure detention, treatment or correctional facilities.

For the record, my name is Frederick P. Nader, President of Birchaven Enterprises, Inc., a New Hampshire based research and management consulting firm.

For nearly twenty years I have worked within the criminal and juvenile justice system, including five years at the Office of Juvenile Justice and Delinquency Prevention.

I am particularly interested in the focus of this hearing because it was during my first stint as Acting Administrator of OJJDP, 1974, that the original Deinstitutionalization of Status Offender (DSO) program was launched for approximately $12,000,000. We were also able to convince most States, approximately 43, to join the program which, as you know, carried with it the requirement to remove status offenders from secure correctional facilities within two years.

The net result of all this work is, as you pointed out in your February 17, 1983, statement introducing S.520, the Dependent Children's Protection Act of 1983, a reduction of over 90% of noncriminal juveniles held in secure detention between 1975 and 1981.

I could not agree more with or be more supportive of the Dependent Children's Protection Act of 1983 and can offer only a couple of suggestions for your consideration.

A. In order to prevent, to the extent possible, the abuse of pre-trial detention as a means of circumventing the spirit of S.520, I would suggest that Section 3. be modified as follows:

"Section 2. For purposes of this Act--

"(a)the term 'juvenile nonoffender' means any person under age eighteen, who has not been adjudicated to have committed an offense that would be criminal if committed by an adult, unless that person is lawfully in detention pending trial because, by a clear preponderance of the evidence, that person meets one or more of the following criteria:

(i) The minor is a fugitive from proceedings or confinement from another state in which he or she has been charged or convicted of a felony or charged or adjudicated delinqent; or

(ii) The minor has been charged with murder in the first or second degree; or

(iii) The minor has been charged with a felony, other than murder in the first or second degree; and

(a) The minor is already under court supervision or on conditional release as a result of a prior finding of delinquency or a prior conviction of a felony; or

(b) The minor has a demonstrable record of willful failure to appear in court; or

(c) The minor has a demonstrable record of willful or violent conduct which has resulted in physical injury to himself or others; or

(d) The minor has a demonstrable record of willful or violent conduct which has resulted in serious property damage; or

(e) The conduct with which the minor is currently charged is willful or violent, and has resulted in physical injury to himself or others or in serious property damage; or the conduct with which the minor is charged consists of two or more wrongful acts which would, if the minor were an adult, constitute a series of crimes;

AND THAT the State further finds by a clear preponderance of the evidence that:

The minor will flee the courts' jurisdiction; or that

The minor will engage in conduct which will endanger the physical safety of himself or herself or of others or endanger the property of others.

These criteria for detention track closely with those suggested both by the National Advisory Committee Standards for the Administration of Juvenile Justice as well as the IJA/ABA Standards.

If incorporated into S.520, both non-offenders and non-serious offenders will be spared the damage described in Section 2 (a) 2, subsections A through F.

B. I believe that two major arguments will be given against S.520

1. The imposition of Federal law over State statute is onerous.
2. The courts will maintain that an option (prerogative) has been removed while the problem children remain.

To the first objection, I would simply point out that justice and children's rights are not territorial in nature.

The second objection is more serious and deserves a fuller response.

For both non-offenders and non-serious offenders, community based care, close to home is clearly in the best interest of the child, the family, and the community.

Community based care is most often resisted by a neurotic coupling of two groups; Institutional workers who view community based care as a threat to their jobs and community based human service workers (teachers, mental health workers, physicians, etc.) who would just as soon not have to work any harder than necessary.

To remedy this situation and to repair a major flaw in the JJ and DPA, I would suggest the following language be added to Section 3 of S.520.

"Section 2. (c) Before any State may receive any federal funds for programs designed for children and youth, that State must submit to the Administrator, OJJDP, its written plan for servicing with those funds all deprived, neglected and abused juveniles and juveniles who present non-criminal and non-serious criminal misbehavior who will no longer be institutionalized in any secure detention, treatment or correctional facility."

The current "(c)", defining "State" will become "(d)".

If this change is made in S.520 and becomes law, the coordination of Federal effort, which is now an empty promise in the JJDPA, will become a vibrant and positive reality for the children we are supposed to serve.

STATEMENT OF CAROLE J. VEROSTEK

Ms. Verostek. I believe you heard today from States that have participated, or tried to, under the Juvenile Justice and Delinquency Prevention Act. Wyoming has not, neither by applying for moneys under that act, nor in philosophy.

I would like to add that most all of your national figures on Wyoming are incorrect. The problem in Wyoming is that we do not have exclusive jurisdiction of juveniles in juvenile court. Therefore, when surveys go in and ask how many juveniles are in jail, there are only a few.

However, if you ask how many adults under the age of 19 are in jail, you find quite a few. The Cascade Research Study——

Senator Specter. Are those adults under 18, as well?

Ms. Verostek. Right. In Wyoming the age of the majority is 19.

Senator Specter. But there are adults who are in jail under 19?

Ms. Verostek. They are anywhere from 7 years old and up. They are considered adults.

Senator Specter. Adulthood comes early in Wyoming?

Ms. Verostek. Yes. They can go to any court, and as a matter of fact the majority of juveniles do appear as adults in either city, justice of the peace, county or district courts. Very few go into the juvenile court system, per se, so they do not have those rights, protections and safeguards.

A recent study in 1981 estimated 2,575 juveniles detained in county jails. This is not counting city jails in the State, and I might remind you that Wyoming has a total population of 469,557, less since the present recession started, because people are exiting the State.

Senator Specter. You say Wyoming's total population is what, again?

Ms. Verostek. 469,557. In my home county of Sweetwater, our population is approximately 41,000.

Senator Specter. Why has Wyoming not participated in the Juvenile Justice and Delinquency Prevention Act?

Ms. Verostek. I cannot answer that specifically. I can say what I have been told, and that is primarily that—well, first of all, we do not have a juvenile office in the State. We have a board of charities and reform.

Senator Specter. How much money would Wyoming get if they participated?

Ms. Verostek. I believe this last year they turned back $252,000, or approximately that.

Senator Specter. Is there a sense that Wyoming does not want to participate because it does not want the Federal requirements?

Ms. Verostek. Definitely, I would say.

Senator Specter. Do you think if Mr. Nader's idea were applied, that no Federal funding would go to juvenile programs, it would make a sufficient impact that Wyoming would apply?

Ms. Verostek. No; I do not think it would. I think you would just see a cut in other youth services.

Senator Specter. Do you think Wyoming would just prefer not to have any other money?

Ms. Verostek. If regulations——

Senator Specter. Suppose highway funds were cut?

Ms. Verostek. Well, that might make a difference.

Senator Specter. That might attract the attention?

Ms. Verostek. Yes; but not cuts in youth funds. As a matter of fact, the Wyoming Police Chiefs Association lobbied against a revised Juvenile Court Act this past year. They lobbied against the part which would have eliminated the housing of abused and neglected children in jails. They did not like that. They wanted——

Senator Specter. They wanted abused and neglected children left in jails?

Ms. Verostek. Yes.

Senator Specter. How does Wyoming handle its status children?

Ms. Verostek. In my county, we had 122 last year, in the county jail, for status type of charges.

Senator Specter. And how about commingling of juvenile offenders with adult offenders?

Ms. Verostek. There are no juvenile detention facilities in the State of Wyoming. They are always housed in adult jails. Sight and sound separation is not required. A separate cell is all that is required, and they can be put on a bread and water diet if they are unruly, they can be transferred to the State penitentiary, from the boys' industrial school——

Senator Specter. What is the youngest age at which a juvenile is prosecuted criminally, to your knowledge?

Ms. Verostek. I know of a 7-year-old.

Senator Specter. And they are housed with adults?

Ms. Verostek. Yes.

Senator Specter. What is the consequence? Do you know of any specific children of such tender years, and the consequence to them personally of being housed with adult offenders?

Ms. Verostek. I have heard of a—of a condition of rape, yes, of a young girl, I believe she was 13, and her girlfriend was in the next cell, and she was raped by a guard.

Senator Specter. Could you provide us with the specifics of that?

Ms. Verostek. I can try to get written statements. It is very difficult, however.

[Letter from Ms. Verostek to Senator Specter, with an attachment follow:]

in Association with
Wind River Legal Services, Inc.

Offices: Fort Washakie
Rock Springs

WESTERN WYOMING
JUVENILE JUSTICE PROJECT

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August 8, 1983

Senator Arlen Specter
United States Senate
Committee on the Judiciary
Subcommittee on Juvenile Justice
Washington, D.C. 20510

Dear Senator Specter:

In my testimony before the Subcommittee on Juvenile Justice I reported that in Wyoming the vast majority of juveniles are adjudicated as adults and are incarcerated in adult jails.

I have recently been made aware of another element of this system, namely that young children of poor families who cannot afford to pay the fines levied against them are subsequently sentenced to incarceration in adult jails. Examples of this are as follows:

> M. Brown, 14 years old, was arrested for alcohol on the breath of a minor. Although a status offense, he was tried as an adult, found guilty, and sentenced to pay a $100 fine or serve 10 days in jail. His mother, sole supporter of the family, could not afford to pay the $100 fine. The judge granted a postponement of the jail sentence for 25 days, at which time the fine had to be paid or the jail sentence imposed. The boy applied for part-time jobs, but at age 14, he was not eligible for the few jobs available. By performing odd jobs, i.e., mowing lawns, babysitting, etc., the boy managed to save up $50. Due to assistance from the area Juvenile Justice Project, the judge granted an extension of the suspended sentence and accepted the $50 partial payment. However, the boy still faces jail in 30 days if he cannot pay the additional $50.
>
> D. and A. Carr, ages 14 and 16, received 10 and 15 days in the adult jail for alcohol on the breath of a minor. They also were adjudicated as adults in City Court, found guilty, and fined $100 and $150 or 10 to 15 days in adult jail, respectively. Neither child was represented by an attorney, nor was the parent notified of the court appearance. Therefore, the girls appeared in court, after one night in the municipal jail, with no adult accompanying them. The mother, the sole parent, is on AFDC and could not pay the fines. Therefore, the children are serving the jail sentence, while their mother is trying to sell an old truck in an attempt to raise the fine money.

These cases are illustrations of how the adult jails in Wyoming are being used as "debtors' prisons" for juveniles who, although arrested for status offenses, are adjudicated and sentenced as adults and, because of their poverty, are incarcerated in adult jails.

The jail alluded to is a medium security facility, which does not meet national standards for adults, much less for juveniles. In this facility, boys are housed in the juvenile tank, at the end of an adult hallway. This tank houses 10 boys of all ages, who are incarcerated for status charges or misdemeanors such as shoplifting, as well as for felonies such as assault with a deadly weapon and sexual assault. There is no dayroom nor recreation area -- no fresh air, ventilation, nor natural lighting.

Girls are housed in cells next to adult women prisoners, with 20 square feet per girl. There is no dayroom, recreation area, fresh air, ventilation, nor natural lighting in this medium security facility, which does not meet adult nor juvenile detention standards.

Observations, by myself and as reported to me by jail staff, point to a noticeable hardened attitude on the part of status children after being incarcerated with delinquent offenders.

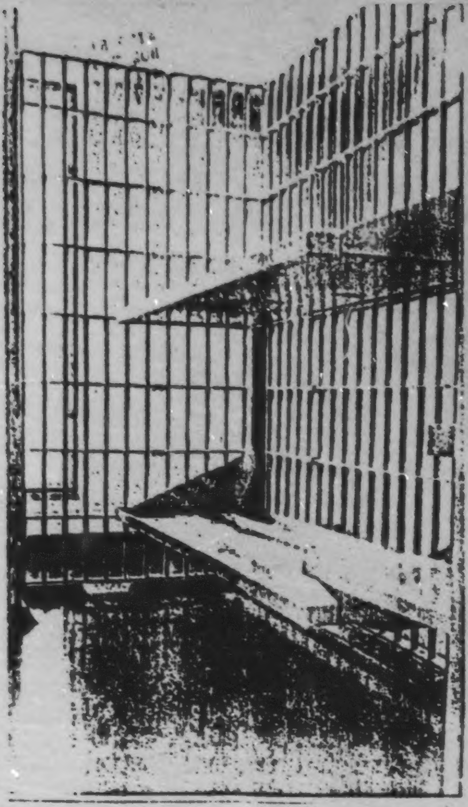
Once again, these specific examples are but a few of many children so incarcerated.

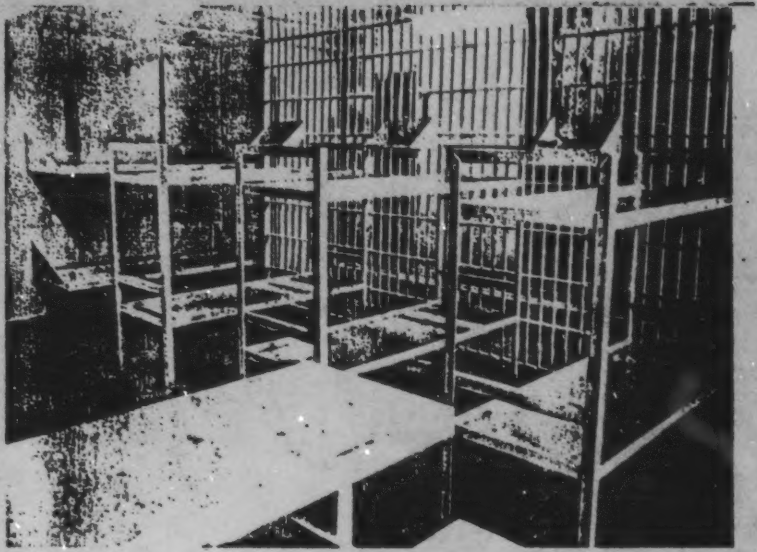
Submitted by:

Ms. [illegible]
Community Organizer/Educator
Western Wyoming Juvenile Justice Project

CJV/mp
Enclosure

13[illegible]





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Senator **Specter**. What is the public reaction in Wyoming to housing such children of tender years with adult offenders?

Ms. **Verostek**. They believe that it does not happen.

Senator **Specter**. Is it ever the subject of media attention, television, newspapers, radio?

Ms. **Verostek**. It is, somewhat, especially since the Janke murder case last year.

Senator **Specter**. I do not know of that case. What is it?

Ms. **Verostek**. An abused boy shot and killed his father. He has been sentenced to 5 to 15 in the men's penitentiary. There is no separation of juveniles from adults there.

Senator **Specter**. How old was the defendant?

Ms. **Verostek**. He was 15, I believe, at the time he shot his father. He is 16 now. His 17-year-old sister got 3 to 7 years in the women's prison.

Senator **Specter**. Was there some public outcry about putting a 15-year-old in an adult situation?

Ms. **Verostek**. There has been a request for the Governor to pardon him. And the case is under appeal. However, there were 57 children in the Wyoming men's penitentiary since 1980. So——

Senator **Specter**. And what ages are they?

Ms. **Verostek**. Age 15 and up.

Senator **Specter**. How about under 15?

Ms. **Verostek**. Under 15 they are usually sent to the boy's industrial school, which is a 55-year-old building, in violation of State fire laws, four to a cell, and I have heard of a 12-year-old there who was sodomized.

Senator **Specter**. So there is some facility for juveniles?

Ms. **Verostek**. It is a correctional institution. It is not a detention facility.

Senator **Specter**. It is what?

Ms. **Verostek**. It is a correctional institution. It is a reform school. They are sentenced there by the courts. Other than that, even under our present Juvenile Court Act, a child can be sentenced to 10 days in the county jail, or another secure detention facility, for either a child under supervision, or a delinquent offender.

Senator **Specter**. You know, it would be very, very helpful, Ms. Verostek, if you could provide us with as many specifics as you can, as to what has happened to juveniles who are status children as a result of being in detention and also juvenile offenders who are commingled with adults. We are going to try to do that for all the States even the five States that have not accepted the Juvenile Justice Act. To the extent that you could provide specifics to us, it would be very helpful.

Ms. **Verostek**. As I said, it might be difficult. Unfortunately, a lot of people who know of the situations are employed by the system, and therefore make statements off the record. Depositions are very difficult to get.

[The prepared statement of Ms. Verostek and additional material follow:]

PREPARED STATEMENT OF CAROLE J. VEROSTEK

Mr. Chairman, Committee Members:

Thank you for the opportunity of appearing before you. I would like to direct my comments on the nature of juvenile detention practices in Wyoming and on the unique justice system which encourages such incarceration.

The State of Wyoming has not participated in the Juvenile Justice and Delinquency Prevention Act, neither by applying for grants available under that act nor by applying the philosophy of that act to its justice system. I say Justice rather than Juvenile Justice, since in Wyoming, jurisdiction of juveniles is not exclusive. Rather, it is the municipal police officer or the county attorney who decides which children are treated as juveniles by the Juvenile Court, and which children appear in City, County, Justice of the Peace, or District Courts as adults, where they are subject to the same procedures, fines, and incarceration in jail irregardless of whether they are age 7 or age 47. In so deciding whether to treat the child as a juvenile or as an adult, the officer or county attorney have total discretion, with no standards in statute to guide those decisions. As a result, the vast majority of juveniles in Wyoming are denied the rights and protections associated with Juvenile Court and are prosecuted as adults, receiving fines or jail time for their offenses. Arrest records give us some idea of the numbers of juveniles involved. For example, in Sweetwater County, Wyoming, population 41,000, 610 juveniles were arrested for non-traffic offenses in 1982. Of these 610 juveniles, 220 were incarcerated in the Sweetwater County jail. Yet, only 78 of all juveniles arrested or detained appeared in the Juvenile Court.

Wyoming is unique among the states in that Wyoming has no juvenile detention centers. Instead, juveniles are housed in adult jails. Wyoming law requires that, whenever practicable, juveniles should not be housed in the same cells as adults. However, the amount of segregation varies, with sight and sound separation being the exception, and not the rule. Jail staff for juveniles and adults are the same, with no training in the handling of juvenile prisoners required by law enforcement agencies.

Wyoming law allows for the following categories of juveniles to be held in adult jails:

- Juvenile victims of abuse or neglect, or children who are in need of supervision (CHINS), but who have committed no crime.
- Status offenders -- juveniles whose offense would not be a crime if committed by an adult.
- Juvenile traffic offenders.
- Juveniles who commit violations of city ordinances.
- Juvenile delinquents -- juveniles who commit a violation of the criminal code, but who will be or are being processed in Juvenile Court.
- Juveniles who commit crimes -- high and low misdemeanors and felonies.

In 1981, the Wyoming Attorney General's office contracted with the Columbia Research firm to do an evaluation of the Wyoming Juvenile Justice System. This evaluation presents the following profile on children in Wyoming jails:

1. There are an estimated 2,575 juveniles detained in county jails in Wyoming each year. (Note: Municipal jail figures are not included in this estimate.)
2. Wyoming ranks second nationally in the proportion of its juvenile population in detention.
3. 53.2% of the juveniles detained are awaiting a hearing; 22.3% are serving a sentence; 20.2% are in protective custody; and 4.3% served time both before and after a court appearance.
4. A much higher proportion of status offenders are detained than are arrested.
5. Children held for protective purposes in adult jails are usually under age 13.

In my home county of Sweetwater, figures show that 112 status offenders were detained in the county jail in 1982. An additional 55 children were placed in a local shelter care facility.

Shelter care facilities exist in many regions of Wyoming. However, the use of such facilities remains at the discretion of the county attorney. If a county attorney does not subscribe to the concept of shelter care in lieu of jail, the shelter will not be used and the children will continue to be detained in jail.

Other juvenile detainees in Wyoming in 1982 include:

Wyoming Industrial Institute:	186 boys
Wyoming Girls' Schools:	110 admissions as of December, 1982
Wyoming State Penitentiary (Since 1980): (Adult facility)	57
Wyoming Women's Center: (Penitentiary - Adult facility)	1
Wyoming State Children's Home:	90 admissions

(Note: This home serves a varied population, some of which are status and/or delinquent offenders and some of which are abused/neglected juveniles.)

In the Wyoming Industrial Institute, the Wyoming Girls' Schools, and the Wyoming State Children's Home, abused/neglected juveniles and status offenders are housed with delinquent offenders. In the case of the men's and women's penitentiaries, neither facility segregates juveniles from adults, even though both facilities have been built in the last 7 years.

Wyoming law also provides for unique ways of handling juvenile prisoners who misbehave while incarcerated. A child in jail may be placed on a diet of bread and water and placed in solitary confinement for unruly or disorderly behavior (Wyoming Statute 18-6-310). Juvenile boys in the Wyoming Industrial Institute can be transferred from the Industrial Institute to the State Penitentiary without the requirement of a court hearing, if the boy is "apparently incorrigible" (Wyoming Statute 9-6-311). And the Juvenile Court Act provides for the sentencing of status or delinquent offenders "to 10 days in the county jail or other restrictive facility the court may designate" (Wyoming Statute 14-6-229). I do not wish to imply that these remedies are readily used. They are, however, provided for in law and can legally be utilized, with no justification required for their use.

The Wyoming State Legislature attempted to make revisions to the State's Juvenile Code this past session. One revision -- to disallow the jailing of abused and neglected children -- was lobbied against by the Wyoming Police Chiefs' Association, with the revision subsequently deleted from the bill in Committee. The final bill, passed by the Legislature, called for exclusive jurisdiction of the Juvenile Court for children under age 13 and provided for removal of status offenders from state correctional institutions. This revised bill was subsequently vetoed by the Governor. The reason cited for this veto was opposition from some Juvenile Court judges who did not wish to handle juvenile cases which, instead, "could be charged in a county court, for which the possible penalty would be less than six months in jail or a possible $750 fine." The final reason given by the Governor for his veto was, "If it ain't broke, don't fix it."

In view of such opposition, progress on the state level is slow, with those legislators in favor of reform facing an uphill battle. In the meantime, abused and neglected children and status offenders continue to sit in Wyoming jails and prisons, and the Juvenile Justice and Delinquency Prevention Act continues to have little impact on the Wyoming system of Juvenile Justice.

Thank you for the opportunity of coming before you.

[From the Rocket-Miner, Sept. 2, 1982]

GREEN RIVER BOY SHOOTS SELF AFTER ELUDING COUNTY DEPUTIES

Gary Lee Ellenich of Green River was found dead of a self-inflicted gunshot wound Tuesday.

Sweetwater County Coroner Gerald Smith said the fatal head wound was inflicted about 3 a.m. Wednesday.

Green River Police Chief Reed Hayes said the boy earlier had escaped from officers of the sheriff's department who had had him in custody for speeding and alluding officers.

The boy was born in L'Anse, Mich., July 19, 1966 and had resided in Green River since September 1981.

Survivors are his parents, Gary Lee Ellenich, Sr., his mother, Doris Kokko Ellenich, a sister, Cindy, and a stepbrother, Timothy.

Services were being scheduled for the Sirard Funeral Home in Baraga, Mich. Burial was to be in the Baraga cemetery.

Chief Hayes said the rifle discovered at the shooting site had been referred to the State Crime Laboratory to uncover any evidence in the event. "We don't want to leave anything unturned," Hayes added.

Officers were unable to find Ellenich shortly after his escape.

Hayes explained that the search was discontinued when the officers decided to file a misdemeanor warrant for his arrest and serve it to Ellenich later in the morning.

An officer attempting to present the warrant discovered the body.

[From the Rocket-Miner, Sept. 3, 1982]

CASPER BOY DIES AT STATE INSTITUTE

WORLAND, WYO.—A 15-year-old Casper boy has hanged himself from a door with a bedsheet at the Wyoming Industrial Institute here, according to the Washakie County Coroner.

Coroner Dave Veile said Tom Locke, 15, died late Wednesday and no inquest is planned.

Institute social services director John Johnson said a supervisor found Locke hanging from the door of his room at 8:20 p.m. while making his rounds.

Locke was the sole occupant of the room in the segregation unit of the Institute's main building.

The supervisor notified other staffers and attempts were made to revive Locke by mouth-to-mouth and cardiopulmonary resuscitation, Johnson said.

The teen-ager was taken by ambulance to Washakie County Memorial Hospital where he was pronounced dead at about 9 p.m., he said.

"Tom Locke was committed from Natrona County as a delinquent child on March 5," Johnson said. "He attempted to escape on March 30 and was placed in the administrative segregation unit."

Locke was free for only a few minutes during his escape Tuesday, Johnson said, and was recaptured in a field near the Institute.

Veile said the body will be returned to Casper for services and burial.

[From the Rocket-Miner, Apr. 28, 1983]

JUDGE CRITICAL OF JAHNKE REPORTING

CHEYENNE, WYO.—The judge who presided over the trial of a Cheyenne teen-ager convicted of helping her brother kill their father has criticized news coverage as "incomplete, incorrect and slanted."

Before sentencing Deborah Jahnke Wednesday, Laramie County District Judge Joseph Maier read a statement accusing reporters of misrepresenting facts in the case to the public.

Miss Jahnke, 18, was convicted of aiding and abetting her brother, Richard, 16, in the voluntary manslaughter of their father, Richard C. Jahnke, last Nov. 16 and was sentenced to 3-to-8 years in prison.

Maier accused reporters of failing to describe chances Miss Jahnke and her brother passed up to seek escape from their abusive father.

"I mention these matters as one illustration of what I consider incomplete, incorrect and slanted news given by the media to the public," Maier said. "There are certainly other areas also that could be mentioned."

About a dozen reporters from the region were present during the sentencing.

Maier declined later to say on the record why he chose the sentencing to deliver his criticism or if it applied equally to all news reports of Miss Jahnke's trial.

Maier said the verdict in Deborah's case meant that her jury had considered but rejected Richard's claim of self-defense in the shooting.

He also said: "The evidence was sufficient, in my opinion, to have supported a verdit of aiding and abetting first-degree murder, as charged."

But the judge said the jury's verdict was "reasonable and proper." He said the jury had a difficult task, "made perhaps more difficult by the glare of state and national media attention."

Maier said the public has a right to know, but "I believe that the public has a right to know the facts and the truth as they are presented in the court proceedings, not the interpretation placed on them by reporters; more importantly, the facts should not be presented selectively or incorrectly."

Maier read from Richard's testimony during Deborah's trial acknowledging not taking up offers to stay in a detention home, jail or a friend's home after he made a child abuse report to Laramie County authorities. Richard also acknowledged that sheriff's deputies told him they would jail his father at the next report of a beating.

Maier also complained he had seen the words "incest" and "rape" used to describe what testimony indicated was the father's intimate touching or fondling of his daughter.

"I have perhaps taken an inordinate amount of time to go over these things, but since the media representatives are present today in full force, I want to suggest these factual matters to them so that even somewhat belatedly they may want to given the public knowledge of these matters not previously reported.

"I know that they intend, and try most of the time, to be factually correct and fair," he said.

[Spring 1983]

YOUTH SENTENCED TO DETENTION FOR KILLING STEPFATHER

CHEYENNE, WYO.—A federal judge in Cheyenne has ordered an 18-year-old Indian youth to the Lookout Mountain Center for Boys in Colorado until he is 21 for killing his stepfather in a drunken rage.

The sentence was imposed recently by U.S. District Judge Clarence Brimmer in the case involving the youth, whose case was handled under juvenile court rules and whose name was not disclosed.

Brimmer noted in an opinion in which he denied a request to move the case to adult court that justice would not be served by having the defendant tried as an adult.

The youth, he said, was 17 at the time of the offense and had lived most of his life in an unstable home environment.

"He reported that both his father and his first stepfather beat his mother," Brimmer wrote. "Additionally, an uncle committed suicide, a cousin, to whom he was close, killed his own father in self-defense and he himself prevented another cousin from shooting a friend."

Brimmer noted the youth had done well in school and had no previous record of serious trouble with the law.

The youth also was intoxicated when he cut his stepfather during an argument.

"The serious and violent nature of the crime cannot be minimized," Brimmer wrote. "However, weighed against that act itself are the undisputed facts of the juvenile's past life.

"This act seems to have been the expression of years of suppressed anger and triggered by excessive consumption of alcohol," he wrote. "While such factors in no way excuse the act, they do tend to shed light upon its causes."

[NOTE.—In a Federal Court, note Wyo. State Court Notice similarity to Jarke case, yet total different handling.]

[From the Rocket-Miner, June 28, 1983]

Colorado Youth Charged With Aggravated Robbery

A 17-year-old Colorado youth was charged Monday with aggravated robbery after he allegedly held a knife to a Wamsutter store clerk's throat and stole a carton of cigarettes and two candy bars.

Jeffery Wilkie appeared before Sweetwater County Court Judge Samuel Soule, who set bond at $7,500. If convicted of the felony, Wilkie couild be sentenced to serve from 5 to 50 years in the state prison. A July 5 preliminary hearing date was set.

According to court records, the defendant entered Wamsutter Gas and Grocery Store last Thursday and asked for a drink of water.

A clerk gave him a cup and told him to get water from the bathroom. The defendant came out of the bathroom and told the clerk the water was not working.

Wilkie allegedly grabbed the woman from behind and held a knife to her throat when she went toward the bathroom to help him, records stated.

The defendant allegedly locked the bathroom door and told the woman to remove her clothes. When she refused, he allegedly put his hand down her pants and blouse, pushed her, hit her, and then tore her blouse.

Records indicate the woman grabbed the hand holding the knife and convinced him to leave. She then waited a few minutes before leaving the bathroom to notify authorities, records stated.

Records allege Wilkie stole two candy bars and a carton of cigarettes before leaving the store.

The suspect was allegedly found hiding behind some bushes east of Wamsutter off I-80. He was arrested and booked into jail.

[From the Rocket-Miner, July 9, 1983]

Youth Charged With Burglary for Break-in at Kiwanis Park

A 17-year-old youth has been arrested and charged with burglary in connection with the break-in of a Kiwanis club concession stand in a baseball park on G Street.

Michael Anderson was charged with the felony and appeared Friday before Sweetwater County Court Judge Samuel Soule. The youth was released to the custody of an adult.

According to records, Anderson allegedly broke into the concession stand on June 11 and stole soda pop, candy, a baseball jacket, baseballs and pens.

A preliminary hearing has been set for July 26. If convicted, the youth could be sentenced to serve up to 14 years in the state prison.

[From the Rocket-Miner, July 28, 1983]

Three Juveniles Charged With Trespassing in Motel

Three Rock Springs juveniles were charged with criminal trespass in Sweetwater County Court Monday after they were allegedly found inside a motel room June 25 without registering.

Randy Sneddon, 18, Camara Trapp, 15, and Robert Johnson, 16, were charged with the misdemeanor. Sneddon and Johnson pleaded guilty and Trapp entered an innocent plea.

Judge Samuel Soule sentenced Sneddon and Johnson to serve from two to five days in jail with credit for time already served.

According to court records, local police were dispatched to the Quality Inn about 5 a.m. last Friday. An employee said three persons were inside room 214 but had not registered.

Police said they entered the room and allegedly found the three suspects in bed. The juveniles were arrested and booked into the city jail.

[From the Star/Wyoming, July 6, 1983]

Report Says Social Workers Inconsistent

(By Joan Barron)

Cheyenne.—A special state Division of Public Assistance and Social Services team has found Laramie County child protection workers have too heavy caseloads and are inconsistent in their investigations.

The team was established as the result of the Richard Jahnke case and complaints about the Laramie County public assistance and social services agency.

Jahnke, 17, has sought help in dealing with his father's abuse six months before he shot and killed his father. However, agency officials did not give the case top priority.

The agency recently underwent a staff shakeup when one worker was fired, another resigned and two supervisors were demoted.

The state team's report said the agency's social workers have widely divergent philosophies on child neglect and abuse. These attitudes range from workers who wish to protect the family privacy to those who would remove every child at the first sign of a problem, the report said.

The report states the complaints against the agency, which had increased in frequency and severity in recent months, ranged from difficulty getting a response to formal abuse-neglect complaints, failure to investigate, or mishandling of investigations and failure to act in substantiated cases.

The team, which conducted 131 interviews, was also concerned about the credibility of the agency as a primary child protection agency and lack of confidence by segments of the community.

The team found the social workers carry from 35 to 45 open children service cases, a number which exceeds nationally recommended standards of 20 to 25 families per worker.

It also found the qualifications of personnel doing child and abuse neglect services did not meet the national standards in most cases.

Other items cited included no routine review of case records; no formal plan to compensate workers who provide protection services after hours; average and above-average evaluations given to workers despite known deficiencies in their job performances; and informal supervision which left workers unsure as to what was expected of them.

The team found the most positive reaction in the legal sector. The report said prosecuting attorneys and judges generally said they have good relations with the child protection system although they also expressed concern about inconsistent investigations and resulting reports.

The team made a number of recommendations in an effort to solve these problems, and also suggested that state and county agencies increase their public relations and public education efforts to insure that the general public is aware of child protection services.

Gerald Bryant, director of the State DPASS division, said the questionaires and basic procedures used in the Laramie County review will be used statewide.

"The problems we may be dealing with in other counties may be different," Bryant said.

He added that he plans to use existing staff to study the other counties which may take a year.

Senator Specter. Well, thank you very much. Thank you very much. I very much appreciate your being here.

I would like to call on Judge Don Reader.

I thank you for being with us. You are, in effect, our cleanup hitter, having heard all the previous evidence. Your testimony on the question of treating 14 year olds and 15 year olds as adult offenders, even on a dicretionary basis, was widely carried by Associated Press Dispatch. I suppose the hearing was about a month ago.

We very much appreciate your being here. I am told by staff that the National Council of Juvenile and Family Court Judges, whom you represent, supports S. 521, which provides for criminal record checks for employees of juvenile facilities and S. 522, which mandates the removal of juveniles from adult jails and lockups, but not

S. 520, which requires the deinstitutionalization of abused/neglected and status children.

May we start with the rationale for the council not supporting the deinstitutionalization of status children?

STATEMENT OF HON. W. DONALD READER, JUDGE OF JUVENILE COURT, STARK COUNTY, CANTON, OHIO, TRUSTEE AND CHAIRMAN, LEGISLATION AND GOVERNMENTAL REGULATIONS COMMITTEE, NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, RENO, NEV.

Judge **Reader**. I believe, Mr. Chairman, and first of all, thank you for inviting the national council and myself here this morning to testify.

I believe, Mr. Chairman, I have been here approximately a half an hour. I heard a great deal that I could agree with, and some that I could not agree with.

You have hit the issue. Juvenile courts are status courts. We deal with children who have in fact committed certain acts. They have come before the court based upon certain offenses. The legitimate thrust of the juvenile court is to treat the juvenile offenders, himself and his problems, not just the act that brought him before the court.

Now, as to what you have stated, this Senate bill 520, is a misnomer. It is called Juvenile Dependent Children's Protection Act. I submit that there is a classic difference between dependent, neglected, deprived, abused children. They are children that are in that particular status because of misfeasance, malfeasance, nonfeasance, or whatever, of their parent or guardian.

In Ohio, and in most States, these children cannot be held in detention. They must be placed in shelter care facilities, group homes, foster home placement, nonsecured.

What we are really talking about is the child that has been known to the world since the day of the Hebrews. I refer you to Deuteronomy, chapter 21. When there is a law promulgated that in effect says, that if your son rebels against your authority, bring him before the elders, and indicate that he is, and I quote, "stubborn, rebellious, gluttonous, a drunkard, and will not obey." At that time the elders will stone him to death.

Now, the punishment obviously did away with recidivism, and was not to rehabilitate him.

Senator **Specter**. That was the same punishment for adultery, was it not?

Judge **Reader**. Yes, and it didn't work there either. But I would suggest that we are dealing with a different youngster. In our State we call them unruly children. They are children in need.

I would also indicate that in Ohio we have recently passed legislation which became effective in November 1981. I helped write that act, helped get it to the general assembly. I would suggest that under that act, the results are somewhat amazing.

In the first place, juvenile courts cannot commit a child to a State institution, unless he commits a felony, an act that would be a felony. Almost $19 million is provided by way of subsidy to courts to provide alternative placement for youth who commit acts which are misdemeanors, or in our case, unruly children.

We have developed, under the act, many community alternatives for young people. The only time, to my knowledge, that an unruly child is held in detention for any—and by the way, that is a limited time, 10 days, is to provide for psychological evaluation, or drug evaluation. Many of our young people who are unruly do not come before us for committing a crime, but are heavily involved in the use of drugs and alcohol. They are rebellious against all types of authority, be it parent, community, school, law enforcement.

We do have up front community-based alternatives, but when all that fails, then a complaint may be filed to bring him before the court.

Senator **Specter**. Judge Reader, would you enumerate the categories that you ticked off a few minutes before?

Judge **Reader**. Yes, sir. Dependent, neglected, and abused.

Senator **Specter**. Dependent, neglected, abused.

Judge **Reader**. Abused, unruly, and of course, delinquent.

Senator **Specter**. Now, as to dependent and neglected and abused, you have testified that you do not think it is appropriate to have them in custody?

Judge **Reader**. It is a violation of our laws, matter of fact.

Senator **Specter**. Violation of Ohio laws?

Judge **Reader**. We cannot hold them in detention.

Senator **Specter**. Now, what is your view as to the desirability of Federal legislation which would mandate that States not have laws that permitted secure detention for those who are dependent, neglected, or abused?

Judge **Reader**. I believe my own personal view, and I believe the view of the national council, would be that we would have no problem whatsoever.

Senator **Specter**. Now, what is there about S. 520? Does the national council oppose S. 520?

Judge **Reader**. Yes, sir, but only as to the fact that it is too broad in its scope, and it precludes the others.

Senator **Specter**. As to including unruly and delinquent?

Judge **Reader**. It does not include delinquent, but it does——

Senator **Specter**. Correct.

Judge **Reader**. I heard you say that you do not like the word "status offender." I guess a nonoffender is a non sequitur. You come before a court until you have done something.

Senator **Specter**. But not necessarily something wrong?

Judge **Reader**. Well, maybe not. But an unruly child, for example, rarely is the child who is merely a truant. Rarely.

Senator **Specter**. Is the opposition of your Council to S. 520 based on the inclusion of unruly as a category which we would prohibit from being placed in custodial institutions?

Judge **Reader**. Yes, it is.

Senator **Specter**. But solely on that basis?

Judge **Reader**. That is correct. I might add, there are—there was a research project funded by Office of Criminal Justice, Kobrin and Klein, I think they were paid something around $2.5 million to study the untested theory of the deinstitutionalization of status of-

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fenders, and I would suggest that Congress should read that, because it did not prove that that theory was correct.

Senator **Specter**. Which theory is that?

Judge **Reader**. That children should be—that status offenders, as such, never be held in a secure facility.

I would further suggest that they came up with the idea that there is no such thing as a pure status offender. Please remember, I am not talking about abused, dependent, or neglected. That is a different category altogether.

Senator **Specter**. What do you put in the category of status offender?

Judge **Reader**. Well, to make sure we are on the same wavelength, let us call it unruly, because that is where, what would you find it in our State. Some States define it as CHIN's or PIN's.

Senator **Specter**. What is that, again?

Judge **Reader**. CHIN or PIN, child in need or a person in need. It is a youngster who is out of control, who is rebellious, who is involved almost all the time, heavily in drugs or alcohol, will not relate to any authority, be it parental, community, school. As a last resort, and I emphasize that, as a last resort, the juvenile court must be, they are the only hope at that point by the parent, by the community, to rehabilitate that child.

Senator **Specter**. Well, if you talk about heavily into drugs or alcohol, then there are already other factors which give rise to a criminal charge.

Judge **Reader**. In my State——

Senator **Specter**. Alcohol would, as well, in many States.

Judge **Reader**. Not necessarily. In my State you have to carry a ton of it on your back in order to be picked up. I am talking about marihuana. Therefore——

Senator **Specter**. But, Judge Reader, absent alcohol or drugs, what kind of a factual situation would lead you to put an unruly child in official custody?

Judge **Reader**. I can give you one I had last week of a youngster who came before me was 16 years old, never been in a court before, was brought in on truancy, and I could hardly believe it. The Public Defender, after the youngster pleaded true, the Public Defender said, Your Honor, please do not send this youngster home. Please send him to detention for evaluation, both drug and alcohol, and psychological.

To make a long story short, this young fellow had been sniffing gasoline. One of the very few that I had ever run into, was sniffing gasoline for 3 years, and suffered permanent brain damage. He was not particularly violent, but he was out of control. Nobody could control him.

Senator **Specter**. Judge Reader, what do you think is the consequence of status, dependent, abused, or neglected children being placed in custody? Based on your extensive experience, what is the consequence of that?

Judge **Reader**. Are you talking now about a secure facility?

Senator **Specter**. Yes.

Judge **Reader**. I think it is absolutely wrong.

Senator **Specter**. Does it then lead that child to antisocial behavior?

Judge Reader. I think it has a tendency to do so, and I think it is—you know, that, in my mind at least, it is absolutely ridiculous. Really. Because that child has committed no overt act. That child is a victim, and should be treated as such.

Senator Specter. Excuse me, Judge. Aside from the wrongfulness for the child, which I agree with you about, what would be your most persuasive argument that placing a child in secure custody, who is dependent, neglected, or abused, is going to have antisocial consequences for the community, that is, will lead perhaps to a life of crime by that child?

Judge Reader. I believe, at the outset, the child, first of all, comes in contact with youngsters who have in fact committed acts. Comes under that kind of peer pressure.

Second, there is obviously a feeling that that child will have that he is being punished for something that he did not do.

Senator Specter. So, aside from leading to a life of crime, by association with others, it has severe psychological effects?

Judge Reader. I do not think there is any question about that.

Senator Specter. Twisting of personalities?

Judge Reader. I do not think there is any question about that, Mr. Chairman.

Senator Specter. And on the issue of commingling of juvenile offenders with adult offenders to which you are opposed, what would be your most persuasive argument in favor of Federal legislation which would prohibit a State from commingling juvenile and adult offenders?

Judge Reader. I think that, first of all, I think the juvenile is likely to be taken advantage of, without question. We have had many cases of that, that have occurred in the past, and in all States of the Union.

I would suggest, however, Mr. Chairman, that some States, and I am convinced it was done, because of people, I call it the law of unintended results, they were very afraid and upset, legislatures passed laws lowering the age, and they were no longer juveniles, so you have 14 year olds in adult jails, but they are not juveniles, and I defy you to find them.

I do not know whether the Federal Government could in fact monitor it, first. Second, I think it is a very bad situation. I have had situations where I had to place a youngster in jail, separated by sight and sound, but in those particular instances it was a temporary holding because of psychiatric problems, and they could not be held anywhere else..

I think it is basically wrong. I think it has a terrible effect psychologically, and would lead to a—I think a life of crime.

Senator Specter. Judge Reader, your entire statement will be placed in the record as is our practice. I would be pleased to hear any other highlights that you want to cover at this time.

Judge Reader. The only—well, I see the red light, and being an old toastmaster, does that mean that I am about ready to be thrown out, or does that mean I have a few minutes?

Senator Specter. No. Yes.

Judge Reader. I would like to tell you a little story that occurred a few years back. It does not appear anywhere.

Senator SPECTER. My problem, Judge Reader, is that there is a markup on an appropriations bill by the Agriculture Subcommittee on Appropriations. And as soon as there is one other person present, I must leave to make a quorum. Unforunately, multiple scheduling is just uncontrollable in this institution. Since you are our final witness, we have somewhat more latitude. That may appear somewhat discriminatory in your favor to those who were here earlier and were not the last witness.

But in recognition of your standing and experience, we are pleased to hear you, to the extent that we can.

Judge READER. I think I can sum it up very concisely by saying that the national council, the way the legislation—I am speaking of, S. 520—is now written, it is too general, and we could not support it. If in fact, however, if it were amended to talk about dependent, neglected, abused, deprived children, the national council would have absolutely no reason for not indicating our favor for it.

And I would indicate that the runaway problem, the things that have occurred in the past, in the seventies, the problems that we have seen as judges, the Gacy murders, the atrocity killings in California, the homosexual murders in Texas, all involve runaway children, the Minnesota Strip in New York is a national disgrace.

I would suggest that the Senate bill pending now, I believe it is S. 57 or S. 59, relating to pornography——

Senator SPECTER. S. 57.

Judge READER. And the thrust of that bill, or the legislative intent of that bill says that most of the children are runaways, and I would suggest, I do not think Congress wants to be in the position of providing models for the actors, we cannot permit that to occur.

Some years ago I was in a shelter care facility, not in my own State, they were very surprised to see a juvenile judge ask how many people they had there, young people, about 10 or 12 average daily population, they did not notify parents, or courts, or law enforcement.

When I asked him about population, he told me, but he said sometimes we have 30 or 40, and that is when we have the world travelers. I asked him what a world traveler was. He told me that they were youngsters who in fact followed rock groups, and when a rock group left, then they went to the next shelter care facility. I asked him how they know where to go. He said you send $4 to the Department of Health, Education, and Welfare, and they will send you a directory. I did. I got a directory.

It is possible for children to travel throughout the country, no notice being given to their parents, communities. I cannot back legislation that in effect contributes to the demise of the family. I believe the family unit is the basic unit of government. I think we have got to get back to a strong family unit. I do not know exactly how to do it, but I am convinced that what this legislation—and again, I am talking now about unruly, for lack of a better definition—is saying to parents, you provide housing, food, clothing, education, medical, hospitalization for your children, and then says to the children, you do not have to live at home, you do not have to go to school, you do not have to obey your parents, you can use drugs and alcohol, and there is nobody anywhere, any time, no bottom line to say that you can be controlled. And I think that is wrong, it emancipates our children from all control except for the commission of a criminal act. And I cannot agree with that, and I would say to you that this is acceptable if it limits itself to dependent, neglected, abused, deprived children.

Thank you very much, Senator.

[The prepared statement of Judge Reader follows:]

PREPARED STATEMENT OF JUDGE W. DONALD READER

COMMENTS

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

ON

SENATE BILLS NOS. 520, 521, and 522

The National Council of Juvenile and Family Court Judges supports the passage of Senate Bills 521 and 522. These bills are in conformity with most current state law and are in support of the Juvenile Justice System and basic treatment to be afforded our youth.

Senate Bill 520 cited as the "Juvenile Dependent Children's Protection Act of 1983" is a misnomer. Section 2(a) of the Act finds that deprived, neglected and abused juveniles and juveniles who present non-criminal behavior problems are frequently assigned to the care and custody of the state, and in addition, placement of these juveniles in secure detention treatment or correctional facilities constitutes punishment. Further in Section 2, the Act defines non-offender to include not only deprived, neglected and abused children but also the so-called "status offender." Almost every state in its juvenile statutes define dependent, deprived, neglected and abused children as children who lack parental care either due to misfeasance, malfeasance, or non-feasance of their parent or guardian. These children are placed through welfare agencies by statute in certified foster care facilities, group homes, and shelter care facilities. The inclusion of the "status offender" beginning on Line 7, page 3, cannot be supported by the Council.

In the 1960's a major concern was the excessive control of children by parents and institutions of the state that functioned **In loco parentis.** "Freedom for Children" was the battle cry of the 1960's. In fact, this attitude led to the adoption of the Federal Juvenile Justice Act in 1974. Part of the conflict surrounding the Act is the fact that even before it was passed the pendulum was swinging. Youth were saying, "we want more of you as parents. You neglect us. We demand that you prepare us for that world out there."

Concurrently the American public has begun to disengage itself from the notion that children who disobeyed the law were misdirected or sick and that, left to their own devices, they would become responsible, functioning adults; never mind the need for discipline, training, education, protection of the public from juvenile crime, or damage to the institution of the family.

The stated purpose of the Federal Juvenile Justice Act was to "get young people out of adult jails"; an ancillary purpose was to deinstitutionalize the so-called "status offender" and eliminate juvenile court authority over non-offenders and status offenders. Much to the chagrin of Congress the great bulk of federal money went to the ancillary purposes through the bureaucracy and little if any of the federal largess has been spent to "get young people out of jails." In fact, the thrust of the federal bureaucracy has been to, whenever possible, deinstitutionalize all juveniles.

The posture of America today is substantially different from that which surrounded the enactment of the 1974 Act. People are upset, frightened and angry about juvenile crime. Protection of the public, and concern for victims of crime looms large.

Some Juvenile Justice System professionals, the Congress, the Administration and the Office of Juvenile Justice should be made aware of this mood swing and be responsive to it. [That Congress is becoming aware is evident from the purpose, added in the 1980 Reauthorization, that the family unit is to be maintained and strengthened, and the new provision that juvenile court judges must have the power to enforce their own orders, i.e., the "valid court order amendment."]

Kobrin and Klein in their work entitled "National Evaluation of the Deinstitutionalization of Status Offender Programs" stated:

> "The 1974 Act assumed the existence of a type of youth known as a status offender. . . . the programs assumed the existence of status offenders which are youth separable from and therefore different from delinquent offenders. What would happen if the assumption were incorrect; that today's status offender is tomorrow's delinquent and vice versa?. . . Our own analysis of this issue suggests

on the contrary that a relatively small proportion of youths cited for a status offense are of a special status offender "type".*

The catagoric "label" dichotomy of "delinquent" and "status offender" is now specific due in large part to federal regulatory intervention in the States backed by threats of funding cutoffs. However, the data included in the above cited evaluation, along with data from some prior studies, strongly suggest that the "pure" status offender is a relatively unknown youngster.

The genius of the Juvenile Justice System is the recognition that the juvenile offender and his or her problems are as important as the offense that brought the individual to the attention of the system. Thus to treat all youths who commit shoplifting the same is to deny the reality that, if the child is to be changed or habilitated and further delinquency controlled or reduced, a range of options is needed, from doing nothing to providing control. A whole host of local services has developed over the years to assist the juvenile court in diagnosis and treatment. A major goal is to increase, not decrease, the alternatives available to aid in the process.

Disposition in every case that balances the needs of the youth, the family, and the public safety is described by Judge Lindsay Arthur as "the heartbeat of the juvenile court". It is here that the law confronts other social media and educational disciplines with the goal of controlling delinquency and protecting society.

Status offenders present the most difficult problems in the field of juvenile justice. Although a status offender may be merely a truant, he is most often a young person totally out of control who will not relate to any authority, be it parent, school, community or law enforcement. In addition, often he is heavily involved with drugs and/or alcohol, although he does not come before the court for the commission of a crime.

When parents and community agencies have done everything humanly possible to no avail, where can they turn? The only answer is -- the court. To say that a court may not hold such a youngster who will not face the reality of his problems and will not change his behavior for even a minimum time in order to ascertain why he is doing what he is doing, is short-sighted and ridiculous. Basically these children are in need. They are children with distinct problems, with which society is deeply concerned.

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*Solomon Kobrin and Malcolm W. Klein, Co-Principal Investigators, "National Evaluation of the Deinstitutionalization of Status of Offender Programs", Executive Summary.

The National Council cannot support an act the effect of which says to the parents of the country "You must provide housing, food, clothing, education, medical and hospital necessities for your children", and then states to the children, "You do not have to live at home; you do not have to go to school; you do not have to obey your parents; you can abuse drugs and alcohol. There is no final or bottom line authority to say that you can be controlled." In effect, this proposed legislation emancipates children from all control except from criminal acts.

Congress in December, 1980 in its Reauthorization of the Juvenile Justice Act adopted the "valid court order amendment", which should put to rest the "label" dichotomy of "delinquent" and "status offender" in the States. Congress recognized that a judge must have the judicial authority to enforce his own valid order. It also recognized that more emphasis should be placed on helping families and children, not contributing to their demise. The Gacy murders in Illinois, the homosexual murders in Texas, the atrocity killings in California...all involved runaway children, a large part of the "Status Offender" problem. In addition, the "Minnesota Strip" in New York City where children are forced to preform in pornographic movies or engage in prostitution is a national disgrace.

Individual justice for children is the legitimate goal of the Juvenile Justice System. The court must, within the bound of State and Constitutional law, tailor its response to the peculiar needs of the child and family with goals of (1) habilitating the child, (2) reuniting the family, (3) protecting the public safety.

Simplistic solutions and untested theories should not provide the basis for legislation. Recent research available to the Congress indicates that institutionalization of chronic offenders has the most suppressive effect on future criminal actions and reduces recidivism markedly. This is not to say that community placement, group homes, foster homes, etc. are not needed or desirable; it simply means that in some instances they are most effectively used as a secondary placement after institutionalization.

"Anti system" advocates of the 1970's have had their day. Their theories and expectancies have been either (A) unsubstantiated by research, and/or (B) repudiated by the public. Prior to the 1970's many of these same persons were common laborers in the vineyard pressing for additional resources for children in trouble. Is it too much to hope they will join forces in the 80's to get on with the business of providing appropriate services that work and are cost effective?

The National Council supports the full implementation of community agencies and resources in an effort to solve the problems of young people with whom the proposed legislation is concerned. But, when all else fails and there is no other recourse left, judicial intervention remains a necessary and legitimate answer.

Senate Bill 520 would be acceptable to the National Council if it clearly defined deprived, dependent, neglected and abused children as being those whom the act is intended to protect. Since the scope is considerably broader, we must respectfully request that the proposal as drafted not be recommended for passage.

Senator SPECTER. Thank you very much, Judge Reader. We very much appreciate your being with us.

Thank you, ladies and gentlemen, and that concludes the hearing.

[Whereupon, at 11:17 a.m., the subcommittee adjourned, subject to the call of the Chair.]

APPENDIX

ADDITIONAL LETTERS, STATEMENTS, AND REPORTS

STATE OF OKLAHOMA
OKLAHOMA COMMISSION FOR HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

Sequoyah Memorial Office Building
Mailing Address: P.O. Box 25352
OKLAHOMA CITY, OKLAHOMA - 73125

HENRY BELLMON
Director of Human Services

April 26, 1983

Honorable Don Nickles
United States Senate
Dirksen Senate Office Building
Washington, D.C. 20510

Dear ~~Senator Nickles:~~ Don:

In response to your request for a progress update on changes in the juvenile services system in Oklahoma, I have asked the staff to prepare a brief outline of some of the advances made in recent months. I believe the list will show the positive activity that has been occurring here in Oklahoma, and especially with the Department of Human Services program efforts.

I am also including attachments which may explain in greater detail some of those positive changes noted in the list. For example, the House Bill 1468 Tracking Format shows the work plan for the implementation of those major statutory requirements in Oklahoma's juvenile services field affecting children and youth.

I hope that this information and background material is of help to you. Should you wish further information, do not hesitate to write or call.

Sincerely,

Henry Bellmon
Henry Bellmon
Director of Human Services

Attachments

Much recent progress in the field of children and youth services has been made in Oklahoma. Some of the accomplishments are:

(1) Revision of court procedures and guidelines completed by the Department of Human Services and the Oklahoma State Supreme Court's Oversight Committee. These revisions accommodate both Department policy and court procedures brought about by recent changes in state statutes to include child In Need of Treatment category. Guidelines forwarded to the Oklahoma State Supreme Court for adoption on January 12, 1983.

(2) Whitaker State Children's Home has been closed, and no Deprived child or child In Need of Supervision may be placed in a state institution, excepting one special statutory provision. In point of fact, the Department of Human Services has closed out 442 institutional beds in the past three years (three institutions closed).

(3) At least one special community-based rehabilitative center (20 beds) for anti-social adjudicated children In Need of Supervision has been statutorily directed as a responsibility of the Department. This non-physically secure facility's program was placed on a RFP basis and a recommendation of a contract award made on March 25, 1983.

(4) Uniform contracting procedures adopted by the Oklahoma Commission for Human Services for purchase of service contracts for children and youth programs.

(5) Detention contracts with three metropolitan Juvenile Bureaus were statutorily mandated and completed as statutorily directed.

(6) A statewide detention plan has been adopted by the Oklahoma Commission for Human Services and state notice to County Commissioners of construction and renovation applications by Oklahoma Administrative Judicial Districts has been completed.

(7) No Deprived child or child In Need of Supervision may be placed in adult jail and Delinquent children are to be removed from adult jail by July 1, 1985.

(8) All Department operated community-based and institutional programs for juvenile delinquents have applied for American Correctional Association standards accreditation. The Court Related and Community Services Unit has formally requested American Correctional Association accreditation site audit for three group homes in June 1983. The Court Related and Community Services Unit has requested American Correctional Association site audit for accreditation of intake, probation and parole field services in July 1983.

(9) Deprived children's programs are in the process of Child Welfare League of America Standards application.

(10) Child Welfare League of America site visit for Children's Services Unit agency membership review completed in March.

(11) The In Need of Treatment institutional program at Central Oklahoma Juvenile Center is in the process of application for accreditation by the Joint Commission on Accreditation of Hospitals.

(12) An Advocate General position has been established, and a selection made from applicants forwarded from the Oklahoma Commission on Children and Youth, as statutorily directed.

(13) The Oklahoma Commission on Children and Youth's membership has been appointed by Governor Nigh.

(14) A fifty member Council on Juvenile Justice has been appointed by the Oklahoma Commission on Children and Youth.

(15) Review of all public and private residential programs has been initiated by the Office of Juvenile Justice Oversight, Oklahoma Commission on Children and Youth.

(16) A Policy on Interagency Cooperation has been signed by the Director of the Oklahoma Commission on Children and Youth and the Director of the Department of Human Services.

(17) At the direction of Governor Nigh, a study of Oklahoma's possible participation in the Office of Juvenile Justice and Delinquency Prevention, Department of Justice program has been completed by the Director, Oklahoma Commission on Children and Youth.

(18) As statutorily directed, grant application notices have been published announcing special programs in child abuse prevention by the Oklahoma Commission on Children and Youth.

(19) The Director of the Department of Human Services has established an Advisory Committee on Rates and Standards for purchase of service contract programs.

(20) Central Oklahoma Juvenile Center was designated as a treatment center for In Need of Treatment children.

(21) A classification system for juvenile delinquents has been adopted by the Oklahoma Commission for Human Services delineating placement of juvenile delinquents in state training schools, as statutorily required.

(22) Statewide training of Department of Human Services field staff has occurred in regard to the Diagnostic and Statistical Manual classification system for emotionally disturbed and mentally ill children.

(23) An Interagency Task Force composed of Department of Mental Health, Department of Human Services, Department of Health, Department of Education, Oklahoma Association of Youth Services and Oklahoma Association of Children's Institutions and Agencies has been established to assist in the development of diagnostic, evaluation and placement recommendation programs for mentally ill and emotionally disturbed children.

(24) Statewide "Local Service Committees" have been established to assist in diagnostic and evaluation services and resource identification for services for mentally disturbed and mentally ill children by Judicial Districts. (Interagency Task Force designated committees)

(25) A revision and implementation of monitoring and evaluation procedures for third-party contracts of community-based services has been implemented by the Department of Human Services.

(26) Revision of the Department of Human Services policy regarding institutionalized children has been completed.

(27) A grievance procedure is being developed by the Department of Human Services Advocate General for any child placed by the Department of Human Services outside a family-style home following court custody commitment.

(28) Four additional group homes have been implemented by the Department of Human Services bringing the total number of group home beds to approximately 100. A fifth 8 bed group home is to open next month.

(29) Three (3) "day treatment" programs for adjudicated delinquents have been initiated in two metropolitan areas for a total of 15 placement slots.

(30) Seventeen workers with the Court Related and Community Services Unit have been identified as intensive service workers to provide intake, probation and parole services twenty-four hours a day, seven days a week.

(31) Four specialized foster home contracts have been completed for a total of 12 residential beds.

(32) Forty Youth Services third-party contract programs are being renegotiated for statewide emergency shelter care, child-family counseling/treatment and detention services for juveniles.

(33) Joint coordinated effort statement adopted between Youth Services and the Department of Human Services regarding community-based services for children and youth.

(34) Monitoring and evaluation procedures have been completed for Oklahoma's Youth Services third-party contract programs and reviewed and adopted by the Oklahoma State Supreme Court's Oversight Committee, the Oklahoma Association of Youth Services and this agency.

(35) Sixty Deprived children have been re-placed from institutional care to community-based foster care or private residential care placements.

(36) Additional contracts have been awarded for Deprived children's care.

(37) Budget and work plans have been completed and submitted by all operating Department of Human Services Units for programs of services for children and youth.

(38) Crises Management programs have been adopted and implemented in the Department of Human Services institutions in lieu of former detention practices.

(39) An abuse allegation response program for Department of Human Services staff members has been adopted in all juvenile institutions.

(40) Professional staff pattern has been adopted for all Department of Human Services juvenile institutions in order to upgrade professional staff/child ratio.

(41) Statewide orientation and training of all residential child care personnel has been initiated and intensified.

(42) Volunteer programs have been initiated in all Department of Human Services child and youth care institutions.

(43) Statewide volunteer program contract has been negotiated and forwarded for award for community-based court related services.

(44) Community-based/institutional continuum of care programs have been intensified at Boley State Training School and have been initiated at Oklahoma Children's Center, Taft, Oklahoma.

(45) Indian Child Welfare Act contracts for foster care are being negotiated with Oklahoma's Indian tribes; foster care contract is pending with Fort Sill Apache tribe.

(46) As required by statute, subsidy adoption program initiated for Deprived children.

(47) Statutorily mandated and implemented this year, mandatory six month foster care review boards and court review of Deprived children in out-of-home care.

Kemper names new staff

New staff members for the Oklahoma Commission on Children and Youth are Janice L. Hendryx, Wayne Chandler Jr., James R. Sullivan, Suzanne W. Clark and Lynnae I. Sutton.

Tom Kemper, OCCY director, said the staff is charged with planning, evaluating and monitoring Oklahoma's juvenile services system.

Ms. Hendryx is assistant director of the office and will help in statewide program implementation and operation. She worked five years with the National Center for State Courts in Williamsburg, Va. holding a variety of research, program development and monitoring positions.

She also worked two years with the Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice monitoring a $9 million dollar, 13-state juvenile justice project.

She received her bachelor's degree from Oklahoma City University and a master's in social work, magna cum laude, from the University of Oklahoma.

Chandler and Sullivan are OCCY planners-evaluators and are charged with reviewing public and private child care.

Chandler worked for the Oklahoma Human Rights Commission and held positions with the Oklahoma County Community Action Program. He also served two years as the area coordinator for the Langston University Cooperative Extension Service.

He received his bachelor's degree from Oklahoma State University and M.A.T. from Oklahoma City University.

Sullivan was a DHS Child Welfare supervisor in Mayes County before joining OCCY. He worked for Cleveland County Youth and Family Center, the Department of Family Practice at the University of Kansas and the American Indian Training Institute, Sacramento, Calif.

He received a bachelor's degree from Oklahoma State University, master's of social work from the University of Kansas, and has completed 29 hours toward his doctorate at KU.

Mrs. Clark is the executive secretary to the director and the Oklahoma Commission on Children and Youth. She has 18 years experience as a legal and executive secretary, including five years of office management. She attended the University of Illinois.

Mrs. Sutton has six years of secretrial experience in the Department of Tourism and Recreation and in private business. She worked one year as a personnel consultant interviewer and attended Southeastern Oklahoma State University, Durant.

Bellmon calls for changes

In a report on the Oklahoma Department of Human Services, Henry Bellmon said DHS overemphasizes institutional care. DHS homes and schools have more capacity than will be needed under the community-based care approaches to juvenile custody and rehabilitation now mandated by law.

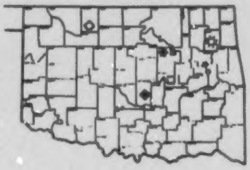
He calls for a change of funding from institutional programs to alternative community services and placement.

He said the institutional farms program should be changed from large-scale commercial farming to small animal, fruit and vegetable operations to support student programs at DHS institutions, and the Oklahoma City clothing warehouse closed.

Bellmon also recommended the termination of the $700,000 contract with Oklahoma County for juvenile intake, probation and parole services. DHS does not contract with other counties with statutory juvenile bureaus in providing such services.

The Lake Tenkiller Camp should return to warm-weather operations, Bellmon reported. It currently operates 48 weeks a year, serving children in DHS care.

Bellmon recommends combining the work of Child Welfare Services and Court Related and Community Services in addition to the development of a regional system for delivery of services for children and youth and the mentally retarded.



January 1983 Institutional Staff-Child Ratio

Institution	Bed Capacity	Population	FTE
□ Boley	115	105	124.9
◆ COJTC	112	38	122.8
✱ D&E	127	72	147.2
◇ Helena	closed April 1982		
▲ ITC	56	44	115.0
★ OCC	117	74	139.6
• OCC-South	closed February 1980		
✡ Whitaker	186	42	193.8
Tenkiller Camp	—	-	17.4
Total	713	375	860.7

STATE OF OKLAHOMA
OKLAHOMA COMMISSION FOR HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

Sequoyah Memorial Office Building
Mailing Address: P.O. Box 25352
OKLAHOMA CITY, OKLAHOMA - 73125

HENRY BELLMON
Director of Human Services

June 8, 1983

The Honorable Arlen Specter
Chairman
Sub-Committee on Juvenile Justice
Committee on the Judiciary
U. S. Senate
Washington, D. C. 20510

Dear Senator Specter:

This is in response to the letter of May 20 from Mary Louise Westmoreland, Counsel for your Sub-Committee, inviting my testimony at a hearing your Sub-Committee will hold on June 16.

As you may know, I am planning to leave the position of Director of Human Services for the State of Oklahoma shortly to return to private life. Mr. Robert Fulton will become Director of this Agency upon my departure. Given this imminent change of leadership, I believe it would be better that Mr. Fulton, rather than I, appear at the June 16th hearing.

Also, I think it would be appropriate that the Chairman of the Commission for Human Services, Mr. Reginald Barnes, join Mr. Fulton in presenting this Department's report at your hearing. The Commission for Human Services has legal responsibility for directing the overall policies of this Department. Mr. Barnes has been Chairman throughout the period during which questions have been raised about the administration of juvenile services in this State.

From contacts with your staff, we understand that the participation of Mr. Barnes and Mr. Fulton at your hearing will be acceptable.

Sincerely,

Henry Bellmon

Henry Bellmon
Director of Human Services

STATEMENT
CONCERNING SECURE DETENTION
OF
JUVENILE NON-CRIMINAL
OFFENDERS

SUBMITTED TO:
SENATOR ARLEN SPECTER

SUBMITTED BY:
PATTY ROBINSON, EXECUTIVE DIRECTOR
THRESHOLD

Threshuld is a not-for-profit social service agency for youth and families located in Sioux Falls, SD. Sioux Falls, with a population of 81,000, is the largest city in South Dakota, and located in Minnehaha County. Incorporated in 1972 and operational in 1973, Threshold's initial purpose was to provide a community-based residential program for adolescent females as an alternative to placement in a state institution. Threshold's Group Home continues to provide residential, non-secure, treatment to females ages 13-18 who have been adjudicated CHINS (Children In Need of Supervision) or dependent/neglected or abused children.

The agency has, through the years, grown to provide a full range of alternative youth services. In 1976 Threshold developed and implemented emergency services for runaway and homeless youth. Funded initially solely by the Runaway and Homeless Youth Act (via the Mountain-Plains Youth Services Coalition), the Runaway program provides emergency shelter and food, counseling, and aftercare to both boys and girls between the ages of 10 and 18. The program seeks to reunite youth and their families, assist them in developing new ways of coping with conflict, and prevent involvement in the Juvenile Justice System. Approximately 200 youth are served each year through Threshold's Runaway program, which is professionally staffed and available twenty four hours a day.

To provide more comprehensive prevention services for youth, Threshold developed the Youth Services Program in 1979. Now the umbrella for all non-residential programs, the Youth Services Program consists of components including a support and information group for adolescent moms, individual and family counseling, teenage survival groups (peer support groups), young adult life skills training, information and referral, drug abuse prevention, and youth participation and employment opportunities. Approximately 600 youth participate in Youth Services each year.

Threshold is funded by a variety of sources, including the United Way, South Dakota Court Services, South Dakota Department of Social Services, Minnesota Department of Public Welfare, South Dakota Divsion of Alcohol and Drug Abuse, private foundations, churches, individual contributions, the Runaway and Homeless Youth Act, and local fundraising events. The agency is licensed as a group home by the Department of Social Services, accredited as a drug abuse prevention agency by the Division of Alcohol and Drug Abuse, and accredited as a MELD's Young Moms agency by Minnesota Early Learning Design.

In 1969 a secure juvenile detention center was constructed in Sioux Falls. Funded by Minnehaha County, the center provides secure detention for youth, both status offenders and delinquents. While the center is modern, clean, and professionally staffed, the twenty beds available are often full and expansion has been discussed by the County Commission in recent years. In addition to temporary detention, the center provides a "90-day program". Youth who are adjudicated CHINS as well as delinquent may be sentenced to the 90 day secure detention program.

Based upon Sioux Falls Police Department statistics and court service statistics, it would appear that secure detention of status offenders is widely and,perhaps, inappropriately used. In 1976, the year Threshold implemented Runaway Youth Services, the police department had contact with 159 runaways. Of that number 49.9% were admitted to secure detention. In 1981, 79 (roughly half of 1976 runaways) had contact with the police department; 80% were detained. These numbers do not include youth admitted to detention by Court Service officers for status offenses.

According to Court Services statistics, the second judicial circuit (Sioux Falls, Minnehaha County) had 138 CHIN referrals in FY82. Of that number, 93, or 67% were held in detention for some length of time. Sixty two CHIN referrals were eventually adjudicated, indicating that thirty one youth who were held in secure detention were never adjudicated. Thirty six, or 26%, those 138 CHIN referrals were held in secure detention for over 48 hours.

Statewide, the second circuit had 43% of all CHIN referrals and 35% of all actual petitions. While these figures appear to be consistent, the rate of detention in the second circuit is astounding. Eighty four percent of the CHINS detained under 24 hours in South Dakota were detained in this circuit. The second circuit detained 72% of all CHINS in the state who were detained longer than 48 hours.

These figures, without a doubt, indicate an inordinate rate of secure detention as compared to other areas of the state not accessible to a juvenile detention center.

While Threshold's Group Home Program accepts referrals from South Dakota Court Services, few referrals are made by the juvenile justice system to Threshold's Runaway Program or other services. Approximately 98% of the agency's Runaway Program clients are referred by self, family, schools, and other private agencies. We have attempted to offer our program as a diversion for status offenders who are being detained, but have not been utilized. The system, as it exists, appears to be self-sustaining, with alternatives viewed as threatening or imposing. This mentality has not worked to serve the best interests of youth. The following case example outlines the problem as we see it:

On April 24, 1983 a 14 year old female voluntarily entered Threshold's Runaway Program. She had run away from home after her mother refused to readmit her to school after a suspension. The girl had been on probation as a CHIN for the previous year. During that year she had spent three months in the Detention Center's 90-day program, and been detained one other time temporarily. Her mother was a single parent, with several young adolescent children in her care, and often absent from the home.

During the year of probation and detention no family counseling had occurred, and secure detention was the only intervention utilized. Upon entering our program, this 14 year old CHIN had already spent over a quarter of a year in a secure facility.

She stayed at Threshold in our group home facility from April 24 until May 2, 1983. Threshold staff readmitted her to the public school, contacted her mother for counseling, and provided individual and group counseling. No behavioral problems were observed, and school attendance was no problem.

A court hearing was scheduled to be held on May 2 as a result of running away- a probation violation. Contact with the Court Service Officer involved indicated that Court Services would be recommending re-placement at the Detention Center until the school year ended. This recommendation would mean approximately one more month of secure detention - a total of more than four months in one year for a youth who had not committed a serious or criminal offense.

Upon exploring the recommendation for secure detention we were given the following reasons: 1) the girl was out of control - although our staff had not seen any out of control behavior, 2) the girl needed to finish the school year and the Detention Center has a school program - although she was currently attending a public school, and 3) Court Services was not going to "invest" the money to keep her in our program. We were also informed that there is no need for decisions regarding Court Services youth to be justified to anyone.

Consequently, this particular girl, a CHIN, and her needy family, did not receive services to help them resolve problems and strengthen their family; the youth was identified as a problem to be "put away".

It should be noted that Minnehaha County funds the Detention Center; Court Services bears no financial responsibility for placement of their youth in the County facility. Court Services does, however, need to assume the financial cost of a court ordered placement in an alternative facility such as ours. As aresult the Detention Center is obviously a financially beneficial resource for Court Services.

Threshold is not the only alternative available in Sioux Falls. Another agency offers home-based treatment, and is designed to work intensively with troubled families in their homes, thus preventing institutionalization. No alternatives had been utilized in this situation; the most restrictive environment was the first to be used. This leads to serious questions concerning the consitutional rights of youth who have committed no serious crime and as a result of family environment or emotional difficulties become victims of a system designed to protect them.

In summary, I would like to advocate for passage of Senate Bill 520 as introduced by Senator Specter. It appears that only through legislative mandate will non-criminal offenders be provided the types of services that will prevent their serious and long term involvement in the criminal justice system. Alternatives to secure detention, where available, need to be utilized, and where not available, need to be developed.

	RUNAWAY PROGRAM				YOUTH SERVICES CO-OP			
	FEMALE		MALE		FEMALE		MALE	
	#	%	#	%	#	%	#	%
Sex of youth	23	85%	4	15%	30	78%	8	22%
Age of youth								
10			1	4%				
11	1	4%						
12	3	11%			2	5%		
13	2	7%					1	3%
14	3	11%	1	4%	4	10%	1	3%
15	5	18%	1	4%	5	13%		
16	3	11%			8	21%	2	5%
17	6	22%	1	4%	9	23%	3	8%
18					1	3%	1	3%
19								
20					1	3%		
Total	23	84%	4	16%	30	78%	8	22%
Services received								
Emergency shelter care	11	15%						
Individual counseling	23	30%	4	5%	18	20%	4	5%
Family counseling	17	22%	2	3%	8	9%	2	2%
Peer counseling	8	11%	2	3%	19	22%	4	5%
Young Adult Life Skills	4	5%	1	1%	12	14%		
Volunteer training and experience			1	1%	1	1%		
Other	2	3%	1	1%	14	16%	6	6%
Total	65	86%	11	14%	72	82%	16	18%

	RUNAWAY PROGRAM				YOUTH SERVICES CO-OP			
	FEMALE		MALE		FEMALE		MALE	
	#	%	#	%	#	%	#	%
Status at time of entry								
Runaway	16	52%	1	3%				
Thinking of running	6	19%	3	10%				
Pushout	1	3%					1	3%
Other	3	10%	1	3%	22	71%	8	26%
Total	26	84%	5	16%	22	71%	9	29%
School status								
Presently attending	18	67%	5	18%	24	65%	4	11%
Dropped out	4	15%			6	16%	2	5%
Graduated							1	3%
Total	22	82%	5	18%	30	81%	7	19%
Runaway since involvement								
Yes	5	19%			3	8%	1	3%
No	17	62%	5	19%	27	73%	6	16%
Total	22	81%	5	19%	30	81%	7	19%
Relationship with family								
Better	15	55%	5	19%	13	35%	3	8%
Same	5	19%			14	38%	3	8%
Worse					2	5%		
No Answer	2	7%			1	3%	1	3%
Total	22	81%	5	19%	30	81%	7	19%

	RUNAWAY PROGRAM				YOUTH SERVICES CO-OP			
	FEMALE		MALE		FEMALE		MALE	
	#	%	#	%	#	%	#	%
Relationship with friends								
Better	13	46%	2	7%	14	38%	3	8%
Same	8	30%	3	11%	16	43%	3	3%
Worse								
No Answer	1	4%					1	3%
Total	22	82%	5	18%	30	81%	7	19%
Talking with parents								
More often	11	41%	3	11%	14	38%	2	5%
Same as before	8	30%	2	7%	13	35%	4	11%
Less often	1	4%			3	8%		
No Answer	2	7%					1	3%
Total	22	82%	5	18%	30	81%	7	19%
Since involvement have:								
Been arrested								
Yes	2	7%			1	3%		
No	20	75%	5	18%	28	75%	7	19%
No Answer					1	3%		
Total	22	82%	5	18%	30	81%	7	19%
Since involvement have:								
Received other counsel								
Yes	8	30%	2	7%	8	22%		
No	14	52%	3	11%	21	56%	7	19%
No Answer					1	3%		
Total	22	82%	5	18%	30	81%	7	19%

	RUNAWAY PROGRAM				YOUTH SERVICES CO-OP			
	FEMALE		MALE		FEMALE		MALE	
	#	%	#	%	#	%	#	%
Since involvement have:								
Been detained								
Yes	2	7%			1	3%		
No	20	75%	5	18%	28	75%	7	19%
No Answer					1	3%		
Total	22	82%	5	18%	30	81%	7	19%
Since involvement have:								
Begun working								
Yes	4	15%	1	3%	12	32%	3	8%
No	18	67%	4	15%	17	46%	4	11%
No Answer					1	3%		
Total	22	82%	5	18%	30	81%	7	19%

	RUNAWAY PROGRAM		YOUTH SERVICES CO-OP	
	#	%	#	%
Is your son/daughter continuing to live where he/she was when he/she discontinued counseling at Threshold?				
Yes	16	67%	13	72%
No	7	29%	4	22%
No Answer	1	4%	1	6%
Total	24		18	
Do you feel that this is the best place for him/her?				
Yes	24	100%	17	94%
No			1	6%
Total	24		18	
Since involvement with Threshold, do you feel your family gets along:				
Better	14	58%	10	55%
Same as before	6	25%	5	28%
Worse	1	4%		
No Answer	3	13%	3	17%
Total	24		18	
Since involvement with Threshold, do you feel you can talk to your son/daughter:				
More often	18	75%	15	83%
Same as before	4	17%	2	11%
Less often	2	8%		
No Answer			1	6%
Total	24		18	

	RUNAWAY PROGRAM		YOUTH SERVICES CO-OP	
	#	%	#	%
Since involvement at Threshold, do you feel your son/daughter handles things:				
Better	16	67%	10	56%
Same as before	4	17%	6	33%
Worse	2	8%		
No Answer	2	8%	2	11%
Total	24		18	
If your friends needed help handling things in their family, would you refer them to Threshold?				
Yes	22	92%	15	83%
No	2	8%	1	6%
No Answer			2	11%
Total	24		18	

How could Threshold have been more helpful?

There could have been more counseling (distance was a problem).

They couldn't have been more helpful (16 responses).

We (family) should have continued longer with counseling, but time spent was helpful and worthwhile.

We (family) should have stayed involved longer so Threshold could have been even more helpful.

Threshold has been very helpful and concerned.

Possibly could have counseled with her for a longer period of time.

Maybe the counselor was too confrontive.

Threshold was very supportive.

We (family) should have gone more - quit because daughters didn't want to go.

Are there any changes or suggestions that you think would be beneficial for our program?

Really feel the program helped and feel there is a definite need for it.

Did a great job.

Get more kids involved - more community awareness of Threshold.

Need more community awareness of family problems - that they cross all barriers (economic, etc.). Feel educational outreach to the community is important.

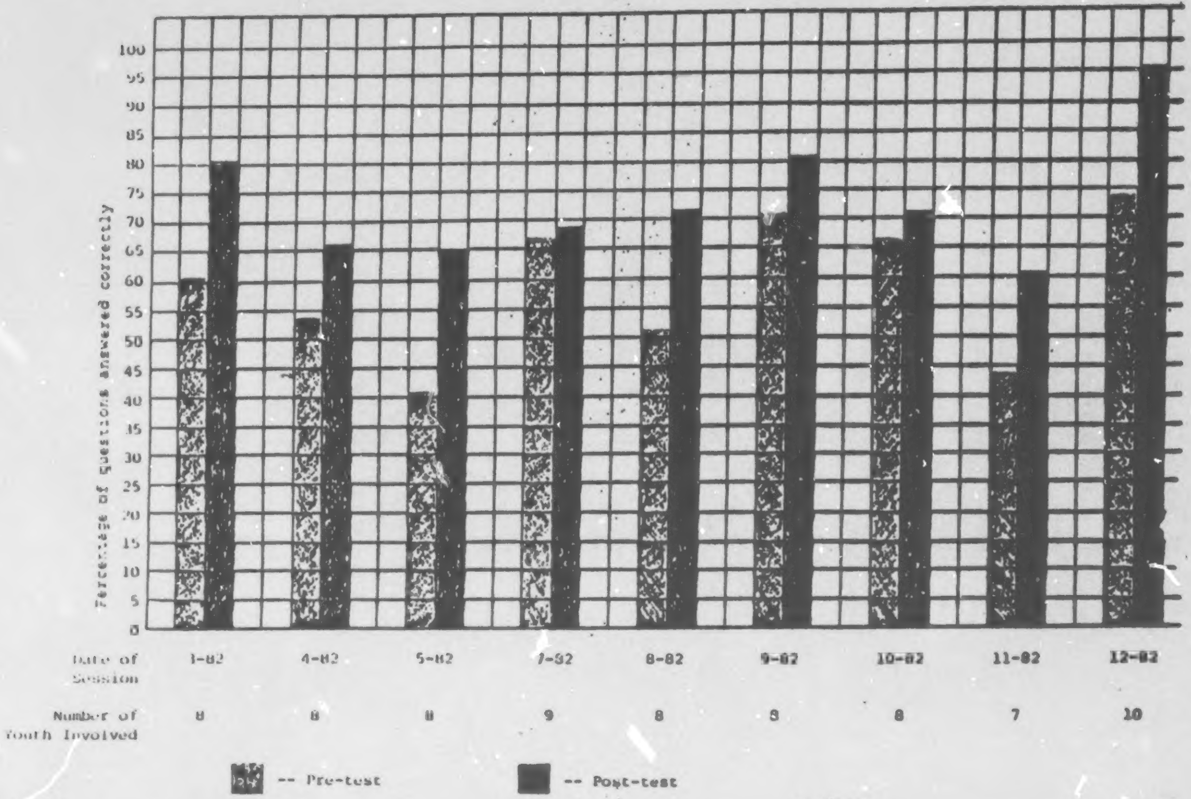
Feel the Co-op needs a better, more comfortable atmosphere.

Perhaps need more counselors.

Group therapy for kids at the Co-op.

STATISTICAL SUMMARY

	Runaway Program	*Youth Services Co-op*
Individual Clients	171	197
Nights of Shelter Care	374	-0-
Number of Youth Involved In Training Sessions		
Young Mom's		11
Young Adult Life Skills		295
Drug Abuse Prevention		47
Number of Volunteer Youth Provided Training & Experience		16
Number of Counseling Sessions	301	373
Total Number of Youth Involved	171	566


Percentage of questions answered correctly
100
95
90
85
80
75
70
65
60
55
50
45
40
35
30
25
20
15
10
5
0
Date of Session
1-82
4-82
5-82
7-82
8-82
9-82
10-82
11-82
12-82
Number of Youth Involved
8
8
8
9
8
8
8
7
10
-- Pre-test
-- Post-test

POLICE CONTACTS WITH JUVENILES UNDER 18
1975 - 1981

RUNAWAY STATISTICS - TOTAL

YEAR	TOTAL NUMBER OF RUNAWAYS	NUMBER DETAINED	PERCENT DETAINED
1975	136	65	47.79%
1976	159	80	50.31%
1977	115	48	41.74%
1978	94	57	60.64%
1979	73	55	75.34%
1980	71	61	85.92%
1981	79	63	79.75%

RUNAWAY STATISTICS - BOYS

YEAR	TOTAL NUMBER OF RUNAWAYS	NUMBER DETAINED	PERCENT DETAINED
1975	57	29	50.88%
1976	39	23	58.97%
1977	33	13	39.39%
1978	28	17	60.71%
1979	23	16	69.57%
1980	19	15	78.95%
1981	25	17	68.00%

RUNAWAY STATISTICS - GIRLS

YEAR	TOTAL NUMBER OF RUNAWAYS	NUMBER DETAINED	PERCENT DETAINED
1975	79	36	45.57%
1976	120	57	47.50%
1977	82	35	42.68%
1978	66	40	60.61%
1979	50	39	78.00%
1980	52	46	88.46%
1981	54	46	85.19%

COURT SERVICES STATISTICS

FY1982

	STATE TOTAL	SECOND CIRCUIT	SECOND CIRCUIT PERCENT OF STATE TOTAL
• *Referrals* •			
Delinquency	4309	1966	46%
CHIN	321	138	43%
• *Petitions* •			
Delinquency	1333	280	21%
CHIN	178	62	35%
• *Diversion Program Service* •			
Delinquency	774	45	6%
CHIN	40	16	40%
• *Pre-hearing Investigation Reports* •			
Delinquency	805	299	37%
CHIN	134	65	49%
• *Informal Adjustment Caseload* •			
Delinquency	38	2	5%
CHIN	7	0	0%
• *Probation Caseload* •			
Delinquency	788	96	12%
CHIN	114	35	31%
• *Detention Hours* •			
Under 24 Hours			
Delinquency	127	57	45%
CHIN	56	47	84%
24 to 48 Hours			
Delinquency	38	10	26%
CHIN	26	10	38%
Over 48 Hours			
Delinquency	158	71	45%
CHIN	50	36	72%
• *Fines* •			
Delinquency	188	35	19%
CHIN	2	2	100%
• *Restitution* •			
Delinquency	500	83	17%
CHIN	3	1	33%
• *Community Service Hours* •			
Individuals	433	17	4%
Hours	3299	672	20%

ADDITIONAL STATISTICS BASED ON ABOVE:

Total CHIN Referrals (Second Circuit)	138
Total CHINS Held in Secure Detention (Second Circuit)	93
Percent of CHIN Referrals Held in Detention	67%

(EXCERPTS FROM THE COMPILATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, BY THE COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, MARCH 1981

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in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year. (*42 U.S.C. 5617*)

Part B—Federal Assistance for State and Local Programs

Subpart I—Formula Grants

Sec. 221. The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. (*42 U.S.C. 5631*)

ALLOCATION

Sec. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $225,000, except that for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands no allotment shall be less than $56,250.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ per centum of the total annual allotment of such State shall be available for such purposes, except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of general local government or combinations thereof within the State on an equitable basis.

(d) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act. (*42 U.S.C. 5632*)

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State criminal justice council established by the State under section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State criminal justice council") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F), and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than 15 and not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, (B) which shall include locally elected officials, representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, special education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman)

shall not be full-time employees of the Federal, State, or local government, (E) at least one-fifth of whose members shall be under the age of 24 at the time of appointment, and at least 3 of whose members shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State criminal justice council and its supervisory board; (ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13); (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State criminal justice council, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; (iv) may be given a role in monitoring State compliance with the requirements of paragraph (12)(A) and paragraph (13), in advising on State criminal justice council and local criminal justice advisory board composition, in advising on the State's maintenance of effort under section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan; and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;

(4) provide for the active consultation with and participation of units of general local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of local governments, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222, other than funds made available to the State advisory group under section 222(d), shall be expended through—

(A) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and

(B) programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

(6) provide that the chief executive officer of the unit of general local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and ad-

ministration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to confinement in secure detention facilities and secure correctional facilities; to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards, and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation. These advanced techniques include—

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, twenty-four hour intake screening, volunteer and crisis home programs, education, special education, day treatment, and home probation, and any other designated community-based diagnostic, treatment, or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and other youth to help prevent delinquency;

(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

(E) educational programs or supportive services designed to encourage delinquent youth and other youth to remain in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;

(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

(i) remove juveniles from jails and lockups for adults;

(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;

(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and

(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;

(11) provide for the development of an adequate research, training, and evaluation capacity within the State;

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses which do not constitute violations of valid court orders, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles; and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13), where no existing acceptable alternative placement is available;

(15) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12)(A), paragraph (13), and paragraph (14) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

(16) provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

(17) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(18) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the

maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

(19) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(20) provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(21) provide that the State criminal justice council will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(22) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in section 403 of the Omnibus Crime Control and Safe Streets Act. Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).

(b) The State criminal justice council designated pursuant to section 223(a), after receiving and considering the advice and recommendations of the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years. Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 803, 804, and 805 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a) available to local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14). The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to those States that have achieved full compliance with the requirements under subsection (a)(12)(A) and subsection (a)(13) within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c). (*42 U.S.C. 5633*)

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Department of Justice

ADVANCE FOR RELEASE AT 6:30 P.M., EDT
SUNDAY, OCTOBER 3, 1982

OJJDP
202-724-7782

An OJJDP News Feature

There was an average 43 percent reduction in detention of juveniles charged with status offenses in eight sites where programs were specifically established to help juveniles stay out of detention facilities.

This was one of the principal findings of a just released, federally-funded study, "National Evaluation of the Deinstitutionalization of Status Offender Programs."

The evaluation, by the University of Southern California, as well as the programs themselves, was funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), an agency of the U.S. Department of Justice.

Status offenders are juveniles whose acts would not be criminal if committed by adults. They include such behavior as incorrigibility, truancy, runaway, and similar activity.

The Juvenile Justice and Delinquency Prevention Act of 1974, as amended through 1980, directs OJJDP to encourage programs to divert minor juvenile offenders from formal police and court processing, to substitute nonsecure community-based facilities for secure confinement, and to assist in the development of local youth services that reabsorb delinquents into the normal community life. One of the act's directives was to discontinue the use of juvenile detention or correctional facilities for youths charged with status offenses.

OJJDP funded programs aimed at the deinstitutionalization of status offenders in eight sites--Spokane and Clark counties in Washington, Alameda County in California, Pima County in Arizona, and the states of Delaware, Connecticut, Illinois, and South Carolina.

During two years of federal support, the programs provided services to some 16,000 youths. Projects centered almost entirely around individual and family counselling and residential placement.

Some of the study's findings:

--The general effect of status offender programs was to increase acceptance of the "reduced need for secure confinement." It was found that some jurisdictions were more or less routinely locking up status offenders on the assumption that this was the only way they could be sure the juvenile would show up for court hearings. It was discovered this was not necessary and that they could be released with few problems.

--Subsequent arrest rates--after participation in the deinstitutionalization programs--were approximately equal to a matched comparison group that had received traditional court treatment.

(In discussing this point, Solomon Kobrin, the co-principal investigator and author of the study said: "This finding constitutes evidence in support of the view that traditional court treatment of status offenders, with its heavy use of secure confinement, offers no delinquency prevention advantage over the use of community-based treatment without secure confinement.")

--In the four sites for which before-after data for long-term institutionalization were obtainable, there was a 67 percent reduction in its use.

--The report said there was one exception to the general view that secure confinement always has negative consequences when applied to status offenders. The study found a significant reduction in the recidivism of chronic runaways who were subjected to temporary secure confinement.

Kobrin said the experiment pointed to a number of ways in which improvement could be made in future efforts to foster the deinstitutionalization of status offenders.

He said that to the extent resources at the federal or state level are available to support similar local programs, they should be concentrated in the many jurisdictions likely to continue to make heavy use of secure confinement of status offenders.

The study also found that programs now operating have "an unfortunate tendency to shift from a focus on deinstitutionalization to a focus on prevention and diversion from arrest and court processing." This, Kobrin said, results in treatment extended to many cases where intervention is not needed.

Kobrin said the programs must guard against excessive narrowness in the content of their treatment approach. The evaluation study disclosed a tendency to make an almost exclusive use of psychological counselling. Additional types of treatment such as educational and employment counselling and job training were virtually excluded.

Such programs also should exercise greater care in the designation of youth who commit a status offense as being exclusively status offenders. The study revealed that only about 10 percent of those arrested for a status offense were without a record of arrest for a prior misdemeanor or felony.

Explaining the latter point, Kobrin said the study found that there would sometimes be a problem when attempts were made to place juveniles into programs to deinstitutionalize the status offender when the juveniles had committed other non-status offense violations and the courts wanted to place them in secure confinement.

Besides Kobrin, the other co-principal investigator and author was Malcolm W. Klein. Both are with the University of Southern California's Social Science Research Institute, in Los Angeles. The four-year study cost approximately $1 million.

The views or opinions in the study are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or any of its agencies or bureaus.

Copies of the executive summary of the study, "National Evaluation of the Deinstitutionalization of Status Offender Programs," are available free of charge by writing the Juvenile Justice Clearinghouse, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The full report is available from the clearinghouse on microfiche at $18.

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DOJ-1980-20

BY THE U.S. GENERAL ACCOUNTING OFFICE

Report To The Attorney General And The Secretary Of The Interior

Improved Federal Efforts Needed To Change Juvenile Detention Practices

GAO reviewed secure detention practices in five States and concluded that the Office of Juvenile Justice and Delinquency Prevention needs to assist the States in improving their detention criteria, monitoring and recordkeeping systems, and providing appropriate alternatives to detention. The States were detaining many juveniles who had not committed serious crimes under conditions that did not always meet nationally recommended standards.

GAO also reviewed the secure detention policies of five Federal agencies and found they were not always consistent with objectives of the Juvenile Justice and Delinquency Prevention Act. The Department of Justice agreed that this report accurately portrays juvenile detention practices in the States GAO reviewed and that certain policies and practices of Federal agencies were not consistent with the act's objectives. It said that its support and fulfillment of the recommendations will improve juvenile detention practices at the local, State and Federal levels.

GAO/GGD-83-23
MARCH 22, 1983

GENERAL ACCOUNTING OFFICE
REPORT TO THE ATTORNEY
GENERAL AND THE SECRETARY OF
THE INTERIOR

IMPROVED FEDERAL EFFORTS NEEDED TO CHANGE JUVENILE DETENTION PRACTICES

DIGEST

Juvenile detention practices have improved since passage of the Juvenile Justice and Delinquency Prevention Act, but problems still exist. Using as criteria standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention to review secure detention practices in five States and five Federal agencies, GAO found that Federal and State agencies needed to establish better detention criteria, conform certain policies to the act's objectives, and establish effective monitoring systems. The Office of Juvenile Justice and Delinquency Prevention could help in implementing these improvements.

CHANGES NEEDED TO IMPROVE STATE AND LOCAL JUVENILE DETENTION PRACTICES

Although the number of juveniles admitted to detention centers appears to have decreased about 14.6 percent from 1974 to 1979, GAO found questionable detention practices in all five of the States it visited.

--The National Advisory Committee standards state that seriousness of the charge and past history of the juvenile are appropriate criteria for determining whether secure detention is warranted. However, GAO found that about 39 percent of its sample of juveniles detained in detention centers and jails in five States were not charged with a serious offense. They were accused of either nonserious offenses, acts that would not be considered offenses if they were adults, or no offenses at all. (See pp. 9 and 10.)

--The standards stress the importance of processing cases expeditiously and state that detention should be brief and play a minor role in the juvenile justice process. Out of the

(GAO/GGD-83-23)
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876 detentions in GAO's sample, 181 lasted over 30 days. These long stays caused several problems, including increased frustration and fighting among juveniles. (See pp. 11 and 12.)

--The suggested standards for physical conditions and services were not met by many of the detention facilities GAO visited. Juvenile detention centers did not totally neglect any major service, but some did not provide the counseling, medical, or educational services recommended by the standards. These services were nonexistent or extremely limited in jails, where GAO also noted insufficient space, dim lighting, and lack of ready access to bathroom facilities. (See pp. 14 to 17.)

--The conditions of confinement in isolation cells conflict with several juvenile detention standards. Some jails GAO visited used isolation-type cells to separate juveniles from adult prisoners. (See pp. 17 to 20.)

GAO believes that, to meet the act's objectives for improving the use of detention by States and localities, the Office of Juvenile Justice and Delinquency Prevention should provide the States with technical assistance and information on detention criteria and service delivery standards, appropriate alternatives to secure detention, and monitoring and enforcement mechanisms to identify, plan, and implement appropriate reductions in secure detentions. (See pp. 22 to 33.)

GAO recommends that the Attorney General require the Office of Juvenile Justice and Delinquency Prevention to take several actions to assist the States in improving their secure detention practices. One of the most important recommended actions is to encourage States to adopt and implement juvenile justice standards that limit the use of secure detention, including standards for specific detention criteria.

FEDERAL AGENCIES SHOULD IMPROVE THEIR DETENTION PRACTICES

GAO's review of the juvenile detention policies and practices of five Federal agencies shows they do not always adhere to the objectives of the Juvenile Justice and Delinquency Prevention Act.

--The Bureau of Indian Affairs' standards require that juveniles be held in different cells than adults but allow them to be within the sight and sound of adult prisoners. (See p. 43.)

--The Marshals Service and Immigration and Naturalization Service policies could result in juveniles being transported in the same vehicle as adults. (See pp. 43 and 44.)

--The National Park Service picks up runaways and turns them over to local authorities, possibly resulting in their detention. (See p. 44.)

Of the five Federal agencies, only the Marshals Service could provide GAO with reliable data on the number of juveniles detained. Further, the agencies' systems of inspecting law enforcement programs and detention facilities for adherence to their policies and national juvenile justice standards were not adequate. (See pp. 38 to 43.)

The Office of Juvenile Justice and Delinquency Prevention has done little to assist the other Federal agencies in conforming their policies and practices concerning juvenile detention to Office policies or the act's objectives. GAO recommends that the Office actively assist the other Federal agencies and that the Attorney General and the Secretary of the Interior require their cognizant agencies to take certain actions to improve this situation.

AGENCY AND STATE COMMENTS

The Department of Justice agreed with GAO's discussion of State juvenile detention practices and agreed that certain policies of Federal agencies were not always consistent with the act's objectives. The Department stated that its support and fulfillment of GAO's recommendations would result in improved juvenile detention practices at the local, State, and Federal levels but expressed the belief that the Office of Juvenile Justice and Delinquency Prevention has done more to assist State and Federal agencies than the draft report indicated. After reviewing the comments and obtaining additional information from the Office and other Federal agencies, GAO believes that (1) the report accurately portrays the Office's past actions and (2) planned actions will provide some of the assistance GAO is recommending.

The Department of the Interior provided comments from the National Park Service and Bureau of Indian Affairs. The Park Service stated it would take actions that would implement GAO's recommendations. The Bureau concurred with several findings but stated that some information needed clarification.

The States responding to the draft report generally agreed with its findings and conclusions. Some States said they were taking actions to improve detention practices and welcomed technical assistance from the Office of Juvenile Justice and Delinquency Prevention. Comments from the States have been incorporated into appropriate sections of the report.

Summary of Participation in the JJDP Act and Compliance with Sections 223(a)(12), (13), and (14) for FY 1983 Formula Grant Eligibility

May 9, 1983

The initial year States and territories could participate in the JJDP Act was FY 75. During the initial year of participation, 45 of the 56 eligible States and territories received an award. Six States withdrew from participation prior to the FY 76 awards. This made a total of 39 States and territories participating for the full fiscal year. During FY 76, four additional States and territories began participation, thus making a total of 43 participating States.

Four more States began participation in FY 77 which made a total of 47 States receiving an award. However, two States withdrew from participation prior to the FY 78 award, thus making a total of 45 States and territories participating for the full 1977 fiscal year.

During FY 78, another five States began participation. No State receiving a FY 78 award withdrew from participation, thus a total of 50 States participated during the full 1978 fiscal year. In FY 79, an additional territory became eligible for participation, thus raising the number of eligible States and territories to 57. During FY 79, no State withdrew participation, but one additional territory began participation. This made a total of 51 States and territories participating during FY 79. During FY 80, one State withdrew, thus 50 States participated in the Act. During FY 81, one State renewed participation, one State began participation, and one State withdrew leaving 51 States and territories participating in the JJDP Act of 1974, as amended. During FY 82 one State renewed participation making a total of 52 participating States and territories. To date, during FY 1983, the number of participating States is unchanged. The five States not participating in the Act are:

Nevada
North Dakota
Oklahoma
South Dakota
Wyoming

Section 223(a)(15) requires States to provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of subparagraphs (12)(A), (13) and (14) are met, and for annual reporting of the results of such monitoring to the Administrator. December 31st of each year has been established as the date for submitting the annual monitoring report. According to the most recently submitted and reviewed State Monitoring Report, the following, to date, is a summary of compliance with Section 223(a)(12)(A) and (13).

SECTION 223(a)(12)(A)

Deinstitutionalization of Status Offenders and Non-Offenders

A. Of the 52 participating States, 43 have participated for five or more years and are thus required to achieve full compliance with Section 223(a)(12)(A) of the Act to maintain eligibility for FY 83 Formula Grant funds. Of these 43 States, a determination has been made that the following 42 States and territories are in full compliance pursuant to the policy and criteria for full compliance with de minimis exceptions.

American Samoa
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Guam
Minnesota
Missouri
Montana
New Hampshire
New Jersey
New Mexico
New York
Ohio
Oregon
Pennsylvania
Puerto Rico

Idaho
Illinois
Indiana
Iowa
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Rhode Island
South Carolina
Tennessee
Texas
Trust Territories
Vermont
Virginia
Virgin Islands
Washington
Wisconsin

One of these 43 States have not to date been found to be in full compliance with the deinstitutionalization requirement. That State is:

Alaska

B. Of the 52 participating States, eight must achieve substantial or better compliance to be eligible for FY 83 formula funds and four of these States (e.g., designated with *) must achieve full compliance for FY 84 formula fund eligibility.

*Alabama
*Hawaii
*Kansas
*Mississippi
North Carolina
Northern Marianas
Utah
West Virginia

All eight have demonstrated substantial or better compliance and the Northern Marianas has been found in full compliance.

C. One of the 52 participating States, Nebraska, must demonstrate progress to maintain eligibility for FY 83 funds and must achieve substantial or better compliance for FY 86 formula fund eligibility.

SECTION 223(a)(13)

Separation of Juveniles and Adult Offenders

There are 34 States which have demonstrated compliance with Section 223(a)(13) of the Act. Sixteen other States have reported progress while two reported no progress.

Those 34 States which have been found in compliance with the separation requirements are:

American Samoa
Arizona
Arkansas
Connecticut
Delaware
District of Columbia
Georgia
Guam
Hawaii
Illinois
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Nebraska
New Hampshire
New Jersey
New Mexico
New York
North Carolina
Northern Marianas
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
Texas
Utah
Vermont
Virginia
Virgin Islands
Washington
Wisconsin

The 16 States reporting progress are:

Alabama
Alaska
California
Colorado
Florida
Kansas
Mississippi
Missouri
Montana
Ohio

Idaho	Oregon
Indiana	Trust Territories
Iowa	West Virginia

The two States reporting no progress are Tennessee and Kentucky.

SECTION 223(a)(14)

Removal of Juveniles from Adult Jails and Lockups

All participating States and territories must demonstrate full compliance or substantial compliance (i.e., 75% reduction) with the jail removal requirement by December 1985. Eligibility for FY 1983 formula grant funds is not dependent upon the States' level of compliance with the jail removal requirement of Section 223(a)(14). Refer to the "Discussion" section of this paper for information on the number of juveniles held in adult jails and lockups.

DISCUSSION

The summary of State participation in the JJDP Act and compliance with the deinstitutionalization and separation requirements of Sections 223(a)(12) and (13) of the Act is based upon the 1981 monitoring reports which determined States' eligibility for FY 1983 formula funds (10/1/82 - 9/30/83).

Attached are two fact sheets showing the number of status offenders and non-offenders held in secure detention and correctional facilities and the number of juveniles held in regular contact with incarcerated adult persons. The data presented represents a 12-month period and was actual data for some States and projected to cover a 12-month period for other States. All current data is that provided as "current data" in the 1981 monitoring reports. The baseline data for the number of status offenders and non-offenders held in secure detention and correctional facilities is that provided as "baseline data" in the 1979 reports. The baseline data for the number of juveniles held in regular contact with adult offenders is that provided as "baseline data" in the 1981 reports. Only participating States are included in the figures.

The nationwide baseline data for the number of status offenders and non-offenders held in secure detention and correctional facilities was determined to be 199,341. The nationwide current data showed 22,833 status offenders and non-offenders held in secure detention and correctional facilities. Thus, by comparing baseline and current data, the number of status offenders and non-offenders held in secure facilities has been reduced by 88.5% over the past 5 to 7 years. According to the 1980 census, approximately 62,132,000 juveniles under the age of 18 reside in the participating States. Thus, the number of status offenders and non-offenders currently held computes to a national ratio of 36.7 status offenders and non-offenders securely held per 100,000 juvenile population under age 18. This national ratio is in excess of the maximum rate which an individual State must achieve to be eligible for a finding of full compliance with the deinstitutionalization requirements of Section 223(a)(12)(A) of the JJDP Act, pursuant to OJJDP's policy and criteria for de minimis exceptions to full compliance. It should also be noted that these figures do not include those status offenders and non-offenders held less than 24 hours during weekdays and those held up to an additional 48 hours (i.e., a maximum of 72 total hours) over the weekend.

The number of juveniles held in regular contact with incarcerated adults has reduced from 97,847 to 27,552. This computes to a 71.8% reduction over approximately a 5-year period.

Based upon the number of status offenders and non-offenders currently held in secure facilities, which is a 88.5% reduction in the number held five or more years ago, and based upon the fact that 43 States and territories have been found in full compliance with de minimis exceptions, it is evident that substantial progress has been made in attaining the deinstitutionalization objective of the Act. However, considering, as stated above, that status offenders held less than 24 hours are not included and considering that States can securely hold status offenders at a level acceptable for a finding of full compliance pursuant to the de minimis policy, it is also evident that the deinstitutionalization objectives have not been fully met. It is also noted that OJJDP determines compliance a Statewide aggregate data, thus cities, counties, regions or districts may not have achieved local compliance in their efforts to deinstitutionalize.

The efforts to deinstitutionalize status offenders and non-offenders and to separate juveniles from incarcerated adults is a continual strive to achieve the objective of the Act in all aspects and in all localities. Once achieved, the same deligent effort must be provided by the Federal, State and local agencies to ensure compliance is maintained. The impetus to achieve and maintain compliance must continue at all levels or gradually there will be lessening of the thrust and progress will slowly dwindle.

States' eligibility for FY 1983 formula funds is based upon the 1981 monitoring report and the subsequent finding of compliance based upon the review of that report. The date that OJJDP released the final formula grant regulations, which States must adhere in monitoring and reporting compliance, corresponds to the exact date which the 1981 reports were due (i.e., December 31, 1981). Thus, the first monitoring report which States must show the extent of compliance with the jail removal requirement of Section 223(a)(14) of the Act is the 1982 report. To date, OJJDP has received most of the 1982 reports and they are currently being reviewed and analyzed by OJJDP and are being modified and revised, as needed, by the States.

Since all reports have not been reviewed and analyzed and, as stated above, since the 1982 reports are the first to reflect State progress towards jail removal, OJJDP does not have information available from State monitoring reports to indicate how many juveniles are held in adult jails and lockups. However, other sources of information and data are available to OJJDP which provides an indication of the extent to which juveniles are detained in adult jails.

There is a great variation in the estimates of the annual number of children who are held in adult jails and lockups. One of the earliest projections and perhaps the highest is that of Rosemary Sarri, who in her 1974 publication entitled Under Lock and Key: Juveniles in Jails and Detention suggested that 500,000 juveniles are incarcerated in adult jails and lockups each year. The University of Illinois, Community Research Center (CRC) documented in a 1978 survey that 170,714 juveniles where held in adult jails. Given the actual survey response rate, this figure is an estimated actual total of 213,647 juveniles held annually in adult jails. In addition, CRC documented 11,592 juveniles in adult lockups. Again, given the response rate to the survey, the estimated actual number of juveniles held in adult lockups is 266,261. This yields an overall estimate of 479,908 persons below the age of eighteen held for any length of time in an adult jail or lockup during 1978.

OJJDP conducted a survey during the first six months of 1981 to respond to a report required by Congress pursuant to the jail removal amendment to the JJDP Act. Reiterating that only 35 of the 50 States had reported as of the deadline for the return of the survey, this response showed that the number of juveniles detained in adult jails and lockups for any given day during January - June of 1981 was 1,778. The most recent data on juveniles in jails comes from the OJARS's Bureau of Justice Statistics. In a February 1983 BJS Bulletin entitled Jail Inmates 1982, a U.S. Bureau of the Census survey was released which showed the number of juveniles held in adult jails. Significantly, this survey did not include adult lockups and this is critical with respect to juveniles because it is the police lockup and the drunk tank to which alleged juvenile offenders are so often relegated pending court appearance. The 1982 BJS/Bureau of Census data shows and the Bulletin dated February 1983 states the following:

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Despite persistent efforts to remove juveniles from adult facilities, the estimated number of juveniles in adult jails in June 1982 (1,700) was unchanged from that reported more than 4 years earlier. Juvenile status is a legal concept denoting that the individual will appear before a juvenile court for adjudication or placement rather than before an adult court. In most States, juveniles are persons who have not reached their 18th birthday, but in a few States juvenile status ends with the 16th birthday. In addition, most States allow juveniles to be tried as adults if circumstances warrant it. Consequently, it is possible for an inmate with adult status to be younger than some of the inmates with juveniles status.

The average daily inmate population for juveniles was not reported for the year ending on June 30, 1982, nor was the average length of stay. If the average daily population approximates the number in jail on June 30 and if an assumption of an average stay of 2 days is made—an assumption considered reasonable by juvenile justice researchers--then more than 300,000 juveniles would have been held in jail at some time during the 12-month period.

As shown, there is much data and information on the placement of juveniles in adult jails and lockups. Regardless of the true figure, it is clear that the practice of jailing juveniles has not diminished during the last decade.

Attachments

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[illegible]

Number of Status Offenders and Non-Offenders Held in Secure Facilities

	Baseline*B		Current*C	
ALABAMA	4,836	'76	412	81
ALASKA	485		18	
ARIZONA	4,410	75	632	81
ARKANSAS	3,702		0	
CALIFORNIA	34,216		3,470	
COLORADO	6,123		370	
CONNECTICUT	699		125	
DELAWARE	374	'75	0	81
DIST. OF COLUMBIA	178		11	
FLORIDA	9,188		22	
GEORGIA	4,047		432	
HAWAII	682		567	
IDAHO	1,836		88	
ILLINOIS	5,391		1,903	
INDIANA	7,494		1,298	
IOWA	1,204	'78	11	81
KANSAS	3,826	'75	576	81
KENTUCKY	4,849		1,104	
LOUISIANA	3,179		111	
MAINE	41		0	
MARYLAND	857	'75	4	81
MASSACHUSETTS	37	75	0	81
MICHIGAN	14,345		612	
MINNESOTA	6,309		31	
MISSISSIPPI	1,170		244	
MISSOURI	4,786		366	
MONTANA	1,224	'75	85	81
NEBRASKA	546*D		624	
NEVADA	Not Participating			
NEW HAMPSHIRE	200		1	
NEW JERSEY	217		57	
NEW MEXICO	2,376		48	
NEW YORK	7,933		4	
NORTH CAROLINA	2,678	'78	580	81
NORTH DAKOTA	Not Participating			
OHIO	16,552	75	3,259	81
OKLAHOMA	Not Participating			
OREGON	4,110		190	
PENNSYLVANIA	3,634	'75	45	80
RHODE ISLAND	1,572		55	
SOUTH CAROLINA	1,568	1976	184	81
SOUTH DAKOTA	Not Participating			
TENNESSEE	4,078		2,940	
TEXAS	4,722		976	
UTAH	2,448	'76	689	81
VERMONT	218	76	36	81
VIRGINIA	6,558		232	
WASHINGTON	9,600		131	
WEST VIRGINIA	627	'76	113	80
WISCONSIN	2,847		134	
WYOMING	Not Participating			
PUERTO RICO	961		46	
AMERICAN SAMOA	4		0	
GUAM	225		0	
TRUST TERRITORIES	0		0	
VIRGIN ISLANDS	178		0	
N. MARIANAS	0		0	

TOTALS

Baseline	Current
199,341	22,833

*A - All Data is 12 month actual or projected to cover a 12 month period

*B - Baseline data is that provided as baseline data in 1979 report.

*C - Current data is that provided as current data in 1981 report.

*D - Nebraska baseline data is that provided as baseline data in 1981 report.

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STATE LISTING WORKSHEET

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Number of Juveniles Held in Regular Contact With Adults*A

	Baseline*B	Current*B
ALABAMA	3,300	1,104
ALASKA	824	463
ARIZONA	25	0
ARKANSAS	8,724	36
CALIFORNIA	3,041	2,271
COLORADO	4,750	1,537
CONNECTICUT	3	2
DELAWARE	0	0
DIST. OF COLUMBIA	0	0
FLORIDA	1,996	104
GEORGIA	1,769	10
HAWAII	1	0
IDAHO	2,011	7
ILLINOIS	777	0
INDIANA	8,580	2,616
IOWA	1,993	776
KANSAS	1,716	168
KENTUCKY	5,702	5,874
LOUISIANA	3,523	180
MAINE	1,186	0
MARYLAND	229	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	3	0
MISSISSIPPI	2,280	108
MISSOURI	3,278	348
MONTANA	1,878	213
NEBRASKA	0	0
NEVADA	Not Participating	
NEW HAMPSHIRE	74	0
NEW JERSEY	42	17
NEW MEXICO	6,696	0
NEW YORK	27	0
NORTH CAROLINA	0	0
NORTH DAKOTA	Not Participating	
OHIO	5,751	1,248
OKLAHOMA	Not Participating	
OREGON	1,798	40
PENNSYLVANIA	3,196*C	14*C
RHODE ISLAND	176	0
SOUTH CAROLINA	3,984	0
SOUTH DAKOTA	Not Participating	
TENNESSEE	7,574	9,806
TEXAS	370	0
UTAH	22	449
VERMONT	0	12
VIRGINIA	5,624	1
WASHINGTON	2,088	4
WEST VIRGINIA	940	138
WISCONSIN	1,857	0
WYOMING	Not Participating	
PUERTO RICO	3	0
AMERICAN SAMOA	0	0
GUAM	0	0
TRUST TERRITORIES	3	2
VIRGIN ISLANDS	11	0
NO. MARIANAS	[illegible]	12

TOTALS

Baseline	Current
97,847	27,552

*A - All data is 12 month actual or projected to cover a 12 month period.

*B - Baseline and Current data is that provided as baseline and current in 1981 report.

*C - Pennsylvania data is that provided in 1980 report.

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STATE LISTING WORKSHEET

Jails Are Becoming 'Dumping Grounds,' Federal Government Advisory Panel Told

By Pete Earley
Washington Post Staff Writer

City and county jails have become the "social agency of last resort" for millions of poor, homeless and mentally disturbed Americans who have no other place to go, a governmental advisory panel was told yesterday.

Cuts in social programs, hard economic times and the development of psychotropic medicines, which have allowed large numbers of disturbed persons to leave mental institutions, have contributed to a dramatic increase in persons jailed for non-serious crimes.

"Many of the people in jail today are there because we, as a society, have found no other place for them," said Judith Johnson, director of the National Coalition for Jail Reform, which represents 31 organizations, including the American Bar Association and National League of Cities.

Local jails are being used to house a "potpourri of juveniles, drunks, the retarded and the mentally ill" as well as people "who indeed should be locked up," added Anthony P. Travisono, director of the American Correctional Association.

Johnson, Travisono and other witnesses told the Advisory Commission on Intergovernmental Relations that conditions in jails are at a "crisis" level, largely because of overcrowding.

For more than a decade, the number of prisoners held in the nation's 3,493 jails did not increase, but since 1978 the jail population has increased 33 percent to 7 million persons per year.

One reason for the increase is tougher sentencing by judges.

Another is the "dumping" of state prisoners into local jails, according to Aldine Moser of the National Sheriffs' Association. In 1981, 8,576 state prisoners were moved from state prisons to local jails because the state institutions had exceeded their capacity.

While the number of juveniles in jail has dropped, at least 300,000 persons under age 18 are still being held in local jails each year, the panel was told.

The suicide rate for juveniles in jail is nine times higher than the rate in juvenile centers, Johnson said. Few local jails are designed or have enough room to segregate adults from juveniles or keep hardened criminals away from persons awaiting trial, other witnesses said.

Johnson said she was "most outraged" about the number of mentally disturbed persons in jail. Moving mentally ill persons out of institutions during the 1970s may have been a good idea, but in many cases "the money has not followed the people," she said.

"For many, one kind of institution - the mental hospital—has been replaced by another institution—the jail," Johnson said. More than 600,000 mentelly ill and retarded persons were held in jails last year, she said.

The witnesses also said jails are reporting increases in arrests of homeless and jobless men who have nowhere else to go.